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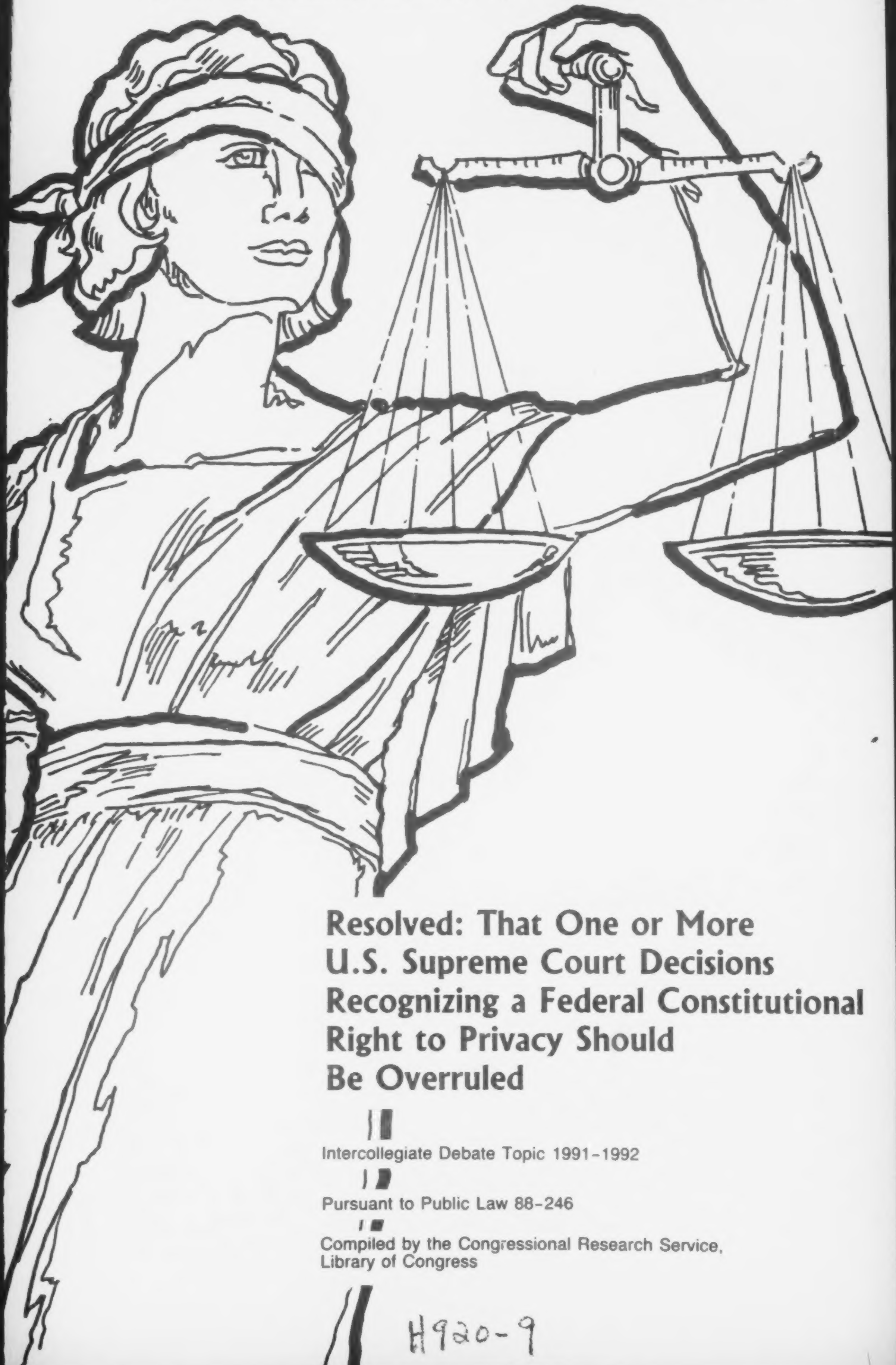

Resolved: That One or More U.S. Supreme Court Decisions Recognizing a Federal Constitutional Right to Privacy Should Be Overruled

Intercollegiate Debate Topic 1991-1992

Pursuant to Public Law 88-246

Compiled by the Congressional Research Service,
Library of Congress

H920-9

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PUBLIC LAW 88-246, 88TH CONGRESS, S. 2311, DECEMBER 30, 1963

AN ACT To provide for the preparation and printing of compilation of materials relating to annual national high school and college debate topics.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Librarian of Congress is authorized and directed to prepare compilations of pertinent excerpts, bibliographical references, and other appropriate materials relating to (1) the subject selected annually by the National University Extension Association and the national high school debate topics and (2) the subject selected annually by the American Speech Association as the national college debate topic. In preparing such compilations the Librarian shall include materials which in his judgment are representative of, and give equal emphasis to, the opposing points of view on the respective topics.

Sec. 2. The compilations on the high school debate topics shall be printed as Senate documents and the compilations on the college debate topics shall be printed as House documents, the cost of which shall be charged to the congressional allotment for printing and binding. Additional copies of such documents may be printed in such quantities and distributed in such manner as the Joint Committee on Printing directs.

Approved December 30, 1963.

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CRS Congressional Research Service • The Library of Congress • Washington, D.C. 20540

FOREWORD

The 1991-1992 intercollegiate debate topic is, "Resolved: That One or More United States Supreme Court Decisions Recognizing A Federal Constitutional Right To Privacy Should Be Overruled".

In compliance with Public Law 88-246, the Congressional Research Service of the Library of Congress prepared this volume to assist college debaters in researching the topic. In selecting items for this manual, the Congressional Research Service (CRS) has sampled the wide spectrum of opinions reflected in current literature on these questions. No preference for any policy is indicated by the selection or positioning of articles cited, nor is CRS disapproval of any policy or article to be inferred from its omission.

The annotated bibliography covers a wide variety of topics related to the right of privacy. A research guide is included at the end of this volume; it is intended to help debaters identify further references and organizational resources on their own. Also included is a list of relevant publications that are available for purchase from the Superintendent of Documents, Government Printing Office. Some of the U.S. Government documents listed in the manual can be found in U.S. Government depository libraries. Local public or college libraries can assist in the location of the nearest depository library. The Library of Congress cannot distribute copies of these or other materials to debaters.

The bibliography and research guide were prepared by Tangela G. Roe, Senior Bibliographer, Government and Law, in the Library Services Division. Valerie Miles-Washington and Ann Eschete produced the bibliography and research guide.

Good luck to each debater in researching, preparing, and presenting arguments on this year's topic.

Joseph E. Ross, Director
Congressional Research Service

INTRODUCTION

This bibliography provides citations to assist college debaters with research on the 1991-1992 intercollegiate debate topic on a right to privacy. The bibliography takes a broad sweep of the topic in order to incorporate both the constitutional right to privacy and the numerous issues associated with discussions of privacy.

Monographs, journal and magazine articles, congressional publications, and reports from 1986 to the present are included. The majority of the citations in this annotated bibliography were obtained from the computerized Bibliographic Database created and maintained by the Congressional Research Service's Library Services Division. Other materials were selected from the collections of the Library of Congress and the Congressional Research Service.

The **General** section is divided into three parts. Part A--*Miscellaneous*--identifies general sources that examine a right to privacy, sources that cover more than one topic addressed in separate categories in suceeding sections, and sources that address a wide variety of topics associated with privacy rights. Part B--*Employment*--focuses on discussions of privacy in the work place. This section includes citations discussing written employment tests. Citations relating specifically to the use of the polygraph as an employment testing tool are included below in the section on Technological Challenges. Part C--*Public Figures/Press*--includes broad discussions of privacy issues relating to public figures and the press. It excludes citations focusing specifically on libel, which are included in Section V, Criminal and Civil Justice and Related Issues, Part A--*General*.

The section on the **Freedom of Information and Privacy Acts** identifies materials that discuss the Freedom of Information Act of 1966 and the Privacy Act of 1974. Other Federal statutes designed to protect privacy are included in the appropriate section.

The bulk of the section on **Sex and Family** focuses on a right to privacy as it relates to abortion, fetal concerns, and sexual preference issues. It does not include citations that discuss fetal abuse associated with drug-abusing pregnant women. This issue is included below in Section V, Criminal and Civil Justice and Related Issues, Part C--*Drugs*. This section also includes limited citations on other topics relating to sex and family such as teenage pregnancy and pornography.

The **Medical** section identifies citations discussing a right to privacy associated with a right to die, a right to refuse medical treatment, euthanasia, living wills, medical records, physician-patient confidential communications, and limited cites on genetic research. In addition, the sources focusing on AIDS as it relates to issues of privacy are included in this section.

The **Criminal and Civil Justice and Related Issues** section is divided into four parts. Part A--*General*--discusses several issues, such as libel, attorney-client privilege, and rape shield laws as they relate to privacy concerns. Part B--*Search and Seizure and the Exclusionary Rule*--contains sources that discuss the fourth amendment and the exclusionary rule. Part C--*Drugs*--includes citations examining privacy issues related to efforts to obtain a drug free work place, drug and alcohol testing (includes sources examining drug testing as a search and seizure), drug abuse by pregnant women, and drug legalization. Part D--*Financial*--contains sources discussing issues associated with financial privacy.

The final section, **Technological Challenges**, includes citations which examine technology and privacy issues. Among the kinds of technology discussed are computers, telephone caller-ID, electronic surveillance, wiretapping, and polygraphs.

The author wishes to thank her colleagues in the Congressional Research Service for their help in the preparation of this bibliography. Thanks are also extended to the following Library Services Division colleagues for their assistance--Kris Vajs, Head, Subject Specialization Section; Marsha Cerny, Assistant Head, Subject Specialization Section; Sherry Shapiro, Bibliographic Specialist; and Bibliographic Assistants, Valerie Miles-Washington and Ann Eschete for technical production work. Thanks are also extended to CRS colleagues William G. Kaye, Harold C. Relyea, Stephen B. Gould, and Kenneth R. Thomas for their review of this product.

Materials in this bibliography may be located at a nearby public, research, or depository library. The Congressional Research Service cannot provide debaters with copies of the items listed.

I. GENERAL

A. MISCELLANEOUS

Ault, Ulrika Ekman.
The FBI's Library Awareness program: is Big Brother reading over your shoulder? New York University law review, v. 65, Dec. 1990: 1532-1565.
Comment shows "that the FBI's Library Awareness Program unconstitutionally infringes upon the first amendment right to read and the general constitutional right to privacy."

Baker, Mary Gordon.
The teacher's need to know versus the student's right to privacy. Journal of law & education, v. 16, winter 1987: 71-91.
Examines "the right to safe schools with the corollary teacher's need to know information relevant to student's behavioral proclivities. This need, however runs counter to the students' rights to privacy regarding school records protected by FERPA [Family Education Rights and Privacy Act of 1974]."

Bork, Robert H.
An interview with Judge Robert H. Bork. Judicial notice, v. 4, July 1987: 1-17.
"On September 5, 1985, Judicial Notice Editor Patrick B. McGuigan conducted a lengthy interview with Judge Robert H. Bork of the U.S. Circuit Court of Appeals for the District of Columbia". Among the issues discussed are a right to privacy and the Griswold v. Conneticut Supreme Court decision.

The tempting of America: the political seduction of the law. With a new afterword by the author. 1st Touchstone edition. New York, Simon & Schuster, 1991. 440 p.

The Bork report: the Supreme Court Watch Project's analysis of the record of Judge Robert H. Bork. New York, Nation Institute, 1987. 131 p.
Contents.--The compelling case against Robert Bork: an introductory essay, by Stephen Gillers.--The Record: freedom of speech; employment discrimination, equal protection, and affirmative action; privacy rights; entitlements, welfare rights, and the homeless; the Freedom of Information Act; health and safety regulation and environmental law; criminal law and the death penalty; special prosecutors and the Ethics in Government Act; foreign affairs; separation of powers; access to the courts.

Brill, Alida.
Nobody's business: paradoxes of privacy. Reading, Mass., Addison-Wesley Pub. Co., 1990. 197 p.
Partial contents.--From Roe to woe.--The fight for fetal status.--Womb versus woman.--AIDS: privacy's new prism.--The paradox of the open bedroom.--Privacy and death.

Eaton, Joseph W.
Card-carrying Americans: privacy, security, and the national ID card debate. Totowa, N.J., Rowman & Littlefield, 1986. 224 p.

Elder, David A.
The law of privacy. Rochester, N.Y., Lawyers Cooperative Pub., 1991. 481 p.

Gordon, Daniel R.
The State constitutional right to privacy conflicts with tax reporting requirements: the Florida model. B.Y.U. journal of public law, v. 4, no. 1, 1990: 55-79.
"The expanding capabilities of the state government to gain more personal information means less privacy protection for personal financial information. This expansion of state power to discover personal information collides with the state constitutional protection of individual privacy."

Hacker, Hyman.
Private club membership--where does privacy end and discrimination begin? St. John's law review, v. 61, spring 1987: 474-501.

Comment examines "the implications of discrimination by private clubs upon the associational rights of the members of such clubs, as well as those excluded from membership," suggesting "a legislative approach that equitably protects the rights of the conflicting parties through permissible restrictions on discrimination by private clubs."

Hendricks, Evan. Hayden, Trudy. Navick, Jack D.
Your right to privacy: a basic guide to legal rights in an information society. Carbondale, Southern Illinois University Press, 1990. 184 p.

Revised edition of: Your rights to privacy by Trudy Hayden, 1980.

Hixson, Richard F.
Privacy in a public society: human rights in conflict. New York, Oxford University Press, 1987. 255 p.

Hoban, Phoebe.
The Salinger file. New York, v. 20, June 15, 1987: 36-42.

"To prevent Random House from publishing Ian Hamilton's unauthorized biography, J. D. Salinger: A Writing Life, Salinger is suing for copyright infringement. The suit claims that Hamilton, a respected literary critic, unlawfully quoted and paraphrased letters that Salinger wrote to friends and editors, who donated them to libraries."

Hodge, Scott.
A national identity card: inching toward big brother. Washington, Heritage Foundation, 1990. 9 p. (Backgrounder no. 771)

"Congress made a serious mistake in the 1986 immigration reform and now apparently is attempting to compound it. If they have their way, some Democrats and Republicans will be inching the nation closer toward Big Brother by requiring that every American have a national identification card--or work permit--issued by a federal bureaucracy."

Image ethics: the moral rights of subjects in photographs, film, and television. Edited by Larry Gross, John Stuart Katz, and Jay Ruby. New York, Oxford University Press, 1988. 382 p.

Johnson, Erik A.
The census: eyes of the intrusive state. Freeman, v. 40, Sept. 1990: 324-327.

"After two centuries and 21 censuses, we've arrived at the clear dividing line between the government's desire (not its right) to know about us and our right (if we so desire) to maintain our privacy, a thin line underscoring the word 'compulsion.'"

Judge Kennedy's record: the Supreme Court Watch Project's analysis of the judicial opinions of Judge Anthony M. Kennedy. New York, National Institute, 1987. 156 p.

"The record of Supreme Court nominee Anthony M. Kennedy fails to demonstrate a forceful commitment to civil liberties and civil rights . . . . We have studied Judge Kennedy's decisions in eight areas: (1) employment discrimination; (2) discrimination in education, housing, voting rights and criminal law; (3) the right to privacy; (4) criminal procedure; (5) capital punishment; (6) freedom of speech, freedom of the press, and the Freedom of Information Act; (7) freedom of religion; and (8) prisoners' rights."

Kutner, Luis.
Our extraconstitutional census. University of Detroit law review, v. 68, winter 1991: 117-130.

"When the Founding Fathers wrote a provision for the census into our Constitution they meant it to be a simple count of inhabitants . . . . Yet over the decades Congress has extended the census' scope so far beyond its original purpose of enumerating the population that people are now asked to answer an ever-growing list of inquiries about their personal and economic affairs. Thus, the census has become a sort of national inventory on people--a way for the government to obtain any socio-economic information it seeks. If this misuse of the census cannot be considered unconstitutional, it is at least clearly extraconstitutional."

Leiferman, Cynthia.

Private clubs: a sanctuary for discrimination? Baylor law review, v. 40, winter 1988: 71-112.

Comment argues that "in the context of purely private clubs, as distinguished from business or service clubs, constitutional rights of the members may warrant exclusion of private clubs from the prohibitions contained in sections 1981 or 1982 [of the Civil Rights Act of 1866]. Whether a member's associational or privacy interests will be outweighed by the state's interest in eradicating racial discrimination remains to be seen."

Linowes, David F.

Privacy in America: is your private life in the public eye? Urbana, University of Illinois Press, 1989. 190 p.

Partial contents.--Business and computer privacy.--Your government wants to know.--Are your finances confidential?--Do you know where your name, address and profile are?

McAffee, Thomas B.

The original meaning of the ninth amendment. Columbia law review, v. 90, June 1990: 1215-1320.

Article reviews the historical materials bearing on the drafting and ratification of the ninth amendment, finding that this history supports the traditional interpretation of its meaning and not the contention of the "new orthodoxy", which "holds that the amendment refers to constitutional rights as we generally think of them today--legally-enforceable, affirmatively defined limitations on governmental power on behalf of individual claimants . . . most frequently including the right to privacy."

Mid-Atlantic Regional Archives Conference. Meeting (1987 : Charleston, W. Va.)

Constitutional issues and archives: a collection of essays from the fall 1987 meeting of the Mid-Atlantic Regional Archives Conference, "Archives, the living constitution." Mary Boccaccio, editor. [Washington] The Conference, 1988. 81 p.

Moore, W. John.

When to let them alone. National journal, v. 21, Oct. 14, 1989: 2518-2522.

"The right to privacy, a sketchy constitutional notion, will figure heavily in forthcoming Supreme Court rulings on abortion and on the right to die. To some privacy advocates, that could spell trouble."

Moreland, J. William.

American Indians and the right to privacy: a psycholegal investigation of the unauthorized publication of portraits of American Indians. American Indian law review, v. 15, no. 2, 1991: 237-277.

Article ascertains whether the law affords some basis for relief to Indian plaintiffs whose privacy has been invaded particularly in regard to the cases of Bitsie v. Walston, Nelson v. Times, and Benally v. Hundred Arrows Press involving the publication of portraits taken in the plaintiffs reservation homes. These portraits violate their cultural beliefs which warn "them against the evils to which one's portrait can be put if it is published without the subjects' knowledge."

Overman, E. Sam. Cahill, Anthony G.

Information policy: a study of values in the policy process. Policy studies review, v. 9, summer 1990: 803-818.

"This paper examines the values and normative structure of information policy . . . . A focus on values in the policy process reveals seven core information policy values: access, privacy, openness, usefulness, cost, secrecy, and ownership."

Privacy law and practice. George B. Trubow, editor-in-chief. New York, M. Bender, 1987- 3 v. (loose-leaf).

Privacy rights in personal information issue. Annual survey of American law, v. 1986, June 1987: whole issue (495-666 p.)

Contents.--Foreword: privacy and information technology, by Rochelle Cooper Dreyfuss and David W. Leebron.--Computer crime legislation: survey and analysis, by M. Alexander Jurkat.--Privacy interests in criminal records: accuracy and dissemination, by Anne Chwat.--Privacy of employment records in the private sector: State and Federal responses, by Wendell Finner.--Privacy of financial records: protections under Federal and State law, by Michael Rogovin.--Privacy versus open government: section 7(C) exemption of the Freedom of Information Act, by Ellen Waldman.--Personal information in government agency records: toward an informational right to privacy, by Lisa Anne Albinger.--Unsealing adoption records: the right to know versus the right to privacy, by Anne E. Crane.

Public intrusion into private lives. State government news, v. 34, Mar. 1991: 19-28.

Contents.--Music: lyrical temptations, by Jack Thompson.--Tolerance: the price of freedom, by Christie Hefner.--Art: looking for fig leaves, by Charlotte Kotik.--Tobacco: ban it or leave it alone, by Dave Brenton.--Private lives on public pages, by Ed Rooney.--The realities of teen sex, by Susan N. Wilson.

Recent developments: the U.S. Supreme Court, 1989 term. Harvard journal of law & public policy, v. 14, winter 1991: 237-303.

Six case notes review the Court's decisions on abortion parental notification statutes, refusal-of-treatment and the right to die, affirmative action in broadcast licensing, Federal authority to increase local taxes, free exercise of religion, and political patronage.

The Record of Judge Robert Bork: summaries of his views on six issues. Washington, People for the American Way, 1987. 13 p.

Contents.--Bork's judicial philosophy.--Robert Bork and civil rights.--Robert Bork and the freedom of speech.--Robert Bork and the right of privacy.--The Bork debate: church and state.--Robert Bork and the "Saturday Night Massacre."

Reece, Robert D. Siegal, Harvey A.

Studying people: a primer in the ethics of social research. Macon, Ga., Mercer, 1986. 221 p.

The Rehnquist Court takes shape. Legal times, v. 11, Aug. 29, 1988: S1-S4, S16-S26.

Review of the Supreme Court's 1987-1988 term includes articles on free speech, by Bruce Sanford; religion, by Burt Neuborne; privacy, by Mark Yadof; individual rights, by Herman Schwartz; criminal law, by Mary Cheh; search and seizure, by Silas Wasserstrom; business, by Ira Millstein and Jeffrey Kessler; labor, by Gregory Malovance; legal profession, by Thomas Morgan; government structure, by Stephen Carter; and international cases, by Gary Born. Tony Mauro contributes an overview and score card.

Report on United States Supreme Court nominee David Hackett Souter; September 6, 1990. Prepared by Nan Aron, George Kassouf, Carol Seifert, Elaine Metlin, and Craig L. Wiener. Washington, Alliance for Justice, 1990. 24 p.

Analyzes Souter's writings for his judicial philosophy and his views on the role of the New Hampshire attorney general, privacy, the First Amendment, and civil rights. "The underlying theme throughout David Souter's legal opinions and briefs is a constrained view of the role of the courts as the ultimate protectors of the disadvantaged and of unpopular minority groups against government coercion."

Richards, David A. J.

Liberalism, public morality, and constitutional law: prolegomenon to a theory of the constitutional right to privacy. Law and contemporary problems, v. 51, winter 1988: 123-150.

This article illustrates that the constitutional right to privacy is the principled interpretive elaboration of a longstanding constitutional skepticism about state enforcement of certain conceptions of perfectionist public morality, a skepticism that framed the Founders' general approach to the framing of the Constitution."

Toleration and the Constitution. New York, Oxford University Press, 1986. 348 p.

Rubenfeld, Jed.
The right of privacy. Harvard law review, v. 102, Feb. 1989: 737-807.
Article maintains "that the operative analysis in privacy cases has invariably missed the real point . . . . The fundament of the right to privacy is not to be found in the supposed fundamentality of what the law proscribes. It is to be found in what the law imposes . . . . The distinguishing feature of the laws struck down by the privacy cases has been their profound capacity to direct and to occupy individuals' lives through their affirmative consequences. This affirmative power in the law, lying just below its interdictive surface, must be privacy's focal point."

Saltzburg, Stephen A.
National security and privacy: of governments and individuals under the Constitution and the Foreign Intelligence Surveillance Act. Virginia journal of international law, v. 28, fall 1987: 129-155.

Schneider, Carl E.
State-interest analysis in fourteenth amendment "privacy" law: an essay on the constitutionalization of social issues. Law and contemporary problems, v. 51, winter 1988: 79-122.
Selecting "one aspect of fourteenth amendment privacy law, namely, state-interest analysis," this article finds "a good deal to criticize. Doctrinally, the Court's troubles began in its efforts to formulate a standard for evaluating state interests. Once that standard was established, the Court found that it could not always be used."

The School counselor and the law. Journal of law and education, v. 15, winter 1986: 105-130.
Contents.--The school counselor and the law: new developments, by Robert L. Stenger.--The school counselor or psychologist and problems of defamation, by Ronald W. Eades.--Privacy dangerousness and counselors, by Steven R. Smith.

Shifting the debate: public/private sector relations in the modern welfare state. Edited by Susan A. Ostrander and Stuart Langton. New Brunswick, N.J., Transaction Books, 1987. 148 p.
Partial contents.--Abandoning the rhetoric of independence: reflections on the nonprofit sector in the post-liberal era, by Peter Dobkin Hall.--Volunteering as linkage in the three sectors, by Jacqueline DeLaat.--Privacy and confidentiality as obstacles to interweaving formal and informal social care: the boundaries of the private realm, by Martin Bulmer.

Sivulich, Stephen.
Understanding the Buckley Amendment. Bethlehem, Pa., College Placement Council, 1988. 21 p.

Smith, Steven R.
Student privacy and school responsibility. Legal memorandum, Mar. 1987: whole issue (8 p.)
Considers students' rights to privacy, in situations involving information revealed in counseling, consenting to treatment, discipline cases, or abused students.

Supreme Court review. Journal of criminal law & criminology, v. 80, winter 1990: whole issue (p. 883-1285).
Presents 13 case notes on the criminal law and procedure decisions of the 1988-1989 term.

Supreme Court review. National law journal, v. 12, Aug. 13, 1990: S1-S32.
Assessments of the 1989-1990 Term include an overview by Marcia Coyle, an appreciation of retiring Justice Brennan (also by Coyle), brief summaries of all cases decided and orders granted, and analyses of trends in the law of suspects' rights (by Ira Mickenberg), privacy (Anita L. Allen), personal jurisdiction (Linda S. Mullenix), first amendment rights (Bernard James), death penalty (Vivian Berger), and State regulation of business (Alan M. Slobodin.)

U.S. Congress. House. Committee on Banking, Finance and Urban Affairs. Subcommittee on Consumer Affairs and Coinage.
Amendments to the Fair Credit Reporting Act. Hearing, 101st Congress, 2nd session. June 12, 1990. Washington, G.P.O., 1990. 847 p.
"Serial no. 101-132"

Fair Credit Reporting Act. Hearing, 101st Congress, 1st session. Sept. 13, 1989. Washington, G.P.O., 1989. 1137 p.
"Serial no. 101-50"

U.S. Congress. House. Committee on the Judiciary. Subcommittee on Civil and Constitutional Rights.
FBI counterintelligence visits to libraries. Hearings, 100th Congress, 2nd session. Washington, G.P.O., 1989. 410 p.
"Serial no. 123"
Hearings held June 20 and July 13, 1988.

U.S. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Civil Liberties, and the Administration of Justice.
Video and Library Privacy Protection Act of 1988. Joint hearing before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the House Committee on the Judiciary and the Subcommittee on Technology and the Law of the Senate Committee on the Judiciary, 100th Congress, 2nd session on H.R. 4947 and S. 2361. Aug. 3, 1988. Washington, G.P.O., 1989. 151 p.
"Serial no. 110 (House Committee on the Judiciary)"
"Serial no. J-100-90 (Senate Committee on the Judiciary)"

U.S. Congress. Senate. Committee on the Judiciary.
The Video Privacy Protection Act of 1988; report to accompany S. 2361, as amended. Washington, G.P.O., 1988. 19 p. (Report, Senate, 100th Congress, 2nd session, no. 100-599)

U.S. General Accounting Office.
Counterterrorism: role of Interpol and the U.S. National Central Bureau; briefing report to the Chairman, Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, U.S. House of Representatives. June 25, 1987. Washington, G.A.O.,1987. 43 p.
"GAO/GGD-87-93BR, B 22943"
Examines "(1) the role of the International Criminal Police Organization (INTERPOL) and the United States National Central Bureau (USNCB) in combatting terrorism and on (2) USNCB procedures for safeguarding the privacy of U.S. citizens during the exchange of counterterrorism-related information with U.S. and foreign law enforcement agencies."

Walker, Samuel.
The Reagan era's assault on civil liberties. In his In defense of American liberties: a history of the ACLU. New York, Oxford University Press, 1990. p. 341-362.
"It was a twelve-front war. The Reagan administration, swept into power on a conservative political tide, was more hostile to civil liberties than any administration in memory had been. The New Right's 'social agenda' included outlawing abortion, putting prayer back in the schools, banning pornography, stopping the ERA, and fighting gay rights. On crime issues, President Reagan wanted to eliminate the exclusionary rule and the Miranda warning. In the area of national security he promised to remove the new restraints on the FBI and the CIA."

Wulf, Melvin L.
On the origins of privacy. Nation, v. 252, May 27, 1991: 700, 702-704.
"As the lawyer who first submitted the notion of a modern constitutional right of privacy to the Supreme Court, I propose to show that, contrary to Bork's accusations, the process by which the Court adopted that right was intellectually and jurisprudentially scrupulous."

B. EMPLOYMENT

Bible, Jon D. McWhirter, Darien A.
Privacy in the workplace: a guide for human resource managers. New York, Quorum Books, 1990. 306 p.

Decker, Kurt H.
Employee privacy: forms and procedures. New York, Wiley Law Publications, 1988. 498 p.

Employee privacy law and practice. New York, Wiley Law Publications, 1987. 545 p. (Employment law library)

A manager's guide to employee privacy: laws, policies, and procedures. New York, Wiley, 1989. 288 p.

Dentzer, Susan.

Can you pass the job test? Newsweek, v. 107, May 5, 1986: 46-50, 52-53.

"The new tools used to screen workers and prospective employees raise questions of privacy."

Donnelly, Harrison.

Privacy in the workplace. Washington, Congressional Quarterly, 1986. 207-223 p. (Editorial research reports, 1986, v. 1, no. 11)

Contents.--More drug and lie tests.--Evolving privacy rights.--New monitoring technology.

Duffy, Jan. Pepe, Stephen P. Gross, Beverly.

Big brother in the workplace: privacy rights versus employer needs. Industrial relations law journal, v. 9, no. 1, 1987: 30-56.

Article, prepared as a three-part symposium presentation, discusses existing legal restrictions and protections on employee privacy, focusing on the disclosure of personal information about employees to third persons and also on testing for AIDS and drug abuse. Also discusses privacy issues in public sector employment.

Erickson, John R.

Defamatory employment references and the Fair Credit Reporting Act. Labor law journal, v. 40, Mar. 1989: 150-157.

Article contends that the Fair Credit Reporting ACT (FCRA) "can be of significant benefit to the employment applicant who receives a defamatory reference."

Georgetown University Law Center. Continuing Legal Education Division.

Practical guidelines and advice for preserving corporate confidences: program materials, January 14-15, 1988, Washington, D.C. [Washington] The Center, 1988. 1 v. in various pagings.

Jones, John W. Ash, Philip. Soto, Catalina.

Employment privacy rights and pre-employment honesty tests. Employee relations law journal, v. 15, spring 1990: 561-575.

Article reviews the privacy issues involved in paper-and-pencil honesty tests for personnel selection. "Unlike pre-employment polygraph exams and urinalysis, which are viewed as invasive of bodily functions, research reveals that the majority of job applicants are not offended by paper-and-pencil honesty tests, primarily because they see the job-relatedness and business necessity of these personnel selection systems. And because they are based on EEOC guidelines, honesty tests are fair to protected minority groups."

Koral, Alan M.

Employee privacy rights. New York, Executive Enterprises Publications, 1988. 59 p.

Larson, Lex K.

Employment screening. New York, M. Bender, 1988- 1 v. (loose leaf).

Levesque, Joseph D.

Managing employee privacy rights and wrongful discharge problems. Sacramento, Calif., American Chamber of Commerce Publishers, 1989. 137 p. (People in organizations series, v. 2)

Lips, J. Alan. Lueder, Michael C.
An employer's right to test for substance abuse, infectious diseases, and truthfulness versus an employee's right to privacy. Labor law journal, v. 39, Aug. 1988: 528-534.
Article concludes that "an employer is justified in testing employees for substance abuse, infectious diseases, and truthfulness and disseminating the results when it is determined the information being sought is relevant and necessary and its use is appropriate. Otherwise, there is a high risk that mandatory testing could be viewed as an invasion of the employee's privacy."

National Institute on Litigating Wrongful Discharge and Invasion of Privacy Claims (1986 : Boston, Mass. and Saint Louis, Mo.)
American Bar Association Division for Professional Education presents a National Institute on Litigating Wrongful Discharge and Invasion of Privacy Claims, October 30-31, 1986, Omni Parker House, Boston, Massachusetts, November 20-21, 1986, Omni Union Station, St. Louis, Missouri. Sponsored by the Section of Litigation . . . [et al.]. [Chicago] American Bar Association [1986] 747 p.

Nye, David.
Son of the polygraph. Across the Board, v. 26, June 1989: 21-25.
Discusses paper-and-pencil honesty tests and arguments for and against their use in employment security.

Privacy. Business week, no. 3044, Mar. 28, 1988: 61-65, 68.
Examines the growing controversy over employees' rights to privacy. Discusses the use of drug testing, lie detector tests, computer surveillance, genetic screening by employers as well as employer policies concerning employees' outside social lives.

Privacy and rights in the work place: managing the issues: proceedings of the spring 1988 conference. Sponsored by the Institute for Business, Ethics, and Public Issues. Edited by Bette Ann Stead. Houston, Tex., University of Houston, 1988. 66 p.

Privacy, defamation, and reference checks: avoiding employee lawsuits. Chicago, Commerce Clearing House, 1989. 31 p.

Privacy in the workplace: when employer-employee rights collide. New York, Alexander Hamilton Institute, 1987. 277 p.

Shattuck, Cathie A.
The tort of negligent hiring and the use of selection devices: the employee's right of privacy and the employer's need to know. Industrial relations law journal, v. 11, no. 1, 1989: 2-17.
Article discusses methods for employers to use in selecting employees that reduce their risk of negligent hiring lawsuits while not interfering with the rights of employees.

Shepard, Ira Michael. Duston, Robert L. Russell, Karen S.
Workplace privacy: employee testing, surveillance, wrongful discharge, and other areas of vulnerability. Washington, Bureau of National Affairs, 1989. 1 v. in various pagings. (A BNA special report)

Shepard, Ira Michael. Olsen, Harry
Employee privacy rights: a management guide. Washington, CUPA [College and University Personnel Association], 1986. 50 p.

U.S. Congress. House. Committee on Government Operations.
Federal employee privacy rights and Standard Form 86; thirty-second report. Washington, G.P.O., 1990. 294 p. (Report, House, 101st Congress, 2nd session, no. 101-985)
"The committee concludes that SF-86 unnecessarily invades the constitutional and privacy rights of Federal employees in ways totally unjustified by any requirements of national security. In large part, the problem is caused by the attempt to use a single, multipurpose form for disparate purposes." Includes committee recommendations.

U.S. Congress. House. Committee on Government Operations. Legislation and National Security Subcommittee.
Privacy rights of Federal employees. Hearing, 101st Congress, 1st session. Nov. 15, 1990. Washington, G.P.O., 1990. 213 p.
"The newly revised employment questionnaire for employees with so-called "sensitive" classifications not only restores questions about political associations which were removed from the 1977 form because of constitutional questions, it also adds questions about medical and financial histories which were not required of Federal workers ever. The new form asks for information which appears to require employees to literally confess to a violation of criminal statues . . . . In addition to the revision of SF-86, there appears in progress a wholesale job reclassification which brings more employees without the slightest involvement with national security matters under this new regime."

Wiley, Carolyn. Rudley, Docia L.
Managerial issues and responsibilities in the use of integrity tests. Labor law journal, v. 42, Mar. 1991: 152-159.
Article maintains that "although integrity tests have been used for many years, the increased use of these tests in recent years has raised a number of concerns regarding test validity, potential adverse impact, and employee privacy." Offers suggestions to employers who intend to implement integrity tests.

C. PUBLIC FIGURES/PRESS

Biskupic, Joan.
FBI background investigations draw intensified scrutiny. Congressional Quarterly weekly report, v. 47, Apr. 1, 1989: 699-701.
"The Senate's bitter battle over John Tower's nomination as defense secretary stirred controversy over the background checks the FBI conducts on presidential appointees."

Bonafede, Dom.
Scoop or snoop? National journal, v. 20, Nov. 5, 1988: 2791-2794.
"Political scandalmongering is not new. But perhaps never before has scandal, buttressed by gossip and rumors, been as much a part of the currency of politics as it has been during the 1988 presidential campaign."

Brown, Leslie.
Seattle's press and the case of the judge who killed himself. Columbia journalism review, v. 27, Jan.-Feb. 1989: 31-33.
Discusses the case of Gary Little, a judge in Seattle, WA, who killed himself when an article revealing allegations about his private life appeared in the local paper. The issues of journalistic ethics and the right to privacy are also discussed.

Deigh, Robb.
Papers of a Presidency past find their way to the light. Insight (Washington times), v. 3, July 13, 1987: 18-20.
"Now, after more than a decade of concerted efforts to prevent it, Richard Nixon is faced with the public release of the voluminous materials kept by him and his staff during his tenure in the White House. Though historians debate the chances that an airing of the 44 million documents will reveal any new damaging information about his actions during the Watergate period, Nixon's determined campaign to keep the records private has kept suspicion alive."

Gering, David.
The judge's dark secret. American Bar Association journal, v. 75, May 1989: 78-82.
Discusses the case of Gary Little, a judge in Seattle, WA, who killed himself when an article revealing allegations about his private life appeared in the local paper. Issues concerning the proper review of judicial conduct, privacy, and journalistic ethics are discussed.

Gold, Philip.
Private virtues a public business? Insight (Washington times), v. 5, Mar. 6, 1989: 25-26.
"John Tower's lingering fight for confirmation has many arguing over whether there is a moral renaissance in public life or just a new form of partisan politics in disguise. Many also debate whether public officials must show virtues in their private lives as well."

Killing the messenger, 100 years of media criticism. Edited by Tom Goldstein. New York, Columbia University Press, 1989. 272 p.

Langley, Monica. Levine, Lee.
Broken promises. Columbia journalism review, v. 27, July-Aug. 1988: 21-24.
"Many reporters are naming, or being forced to name, confidential sources. The authors examine this trend--and warn of the danger it poses to a free press."

McCarthy, Thomas J.
The rights of publicity and privacy. New York, C. Boardman, 1987- 1 v. (loose-leaf).

Mclean, Deckle.
Press and privacy rights could be compatible. Communications and the law, v. 8, Apr. 1986: 13-25.
Article contends that "courts and the mass media might be more eager to protect privacies from invasion if the United States Supreme Court had interpreted press freedom during this century along lines suggested by Alexander Meiklejohn." This article discusses the freedom of speech theories of Meiklejohn.

Privacy and publicity. Edited by Theodore R. Kupferman. Westport, Conn., Meckler, 1990. 257 p. (Readings from Communications and the law, 2)

Private lives and public careers. PS: political science & politics, v. 21, spring 1988: 250-268.
Contents.--Sizing up candidates, by Bruce Buchanan.--Candidates, the need to know and the press, by Ronald D. Elving.--Public lives and the limits of privacy, by Sanford Levinson.

The Scarlet letter: the private lives of public figures. Policy review, no. 44, spring 1988: 26-33.
"Policy Review asked a number of scholars, public officials, and religious leaders to participate in a symposium on the modern version of the scarlet letter, the opening of public figures' private lives to the scrutiny of reporters, biographers, and stand-up comics." Includes short comments by Randy Barnett, Gary Bauer, Allan Carlson, Joshua Haberman, Carl F. H. Henry, Russell Kirk, Ernest Lefever, Forrest McDonald, Ellen Frankel Paul, Ernest van den Haag, and Paul Weyrich.

U.S. Congress. House. Committee on Government Operations. Government Information, Justice, and Agriculture Subcommittee.
Review of Nixon Presidential materials access regulations. Hearing, 99th Congress, 2nd session. Apr. 29, 1986. Washington, G.P.O., 1986. 307 p.
Inquires into the Office of Management and Budget's review of the Archives' regulations of Feb. 28, 1986 (36 CFR Part 1275) under Executive Order 12291, and the Justice Department's legal opinion of Feb. 18 that the Archivist "is legally bound to respect . . . claims" of executive privilege by former President Nixon.

Waldman, Steven.
Governing under the influence. Washington monthly, v. 19, Jan. 1988: 16-23.
Examines the problem of alcohol abuse by prominent government officials and media coverage of it.

Wines, Michael.
In bed with the press: open season on sex. Washington journalism review, v. 9, Sept. 1987: 16-19.
Examines the controversy over "whether mainstream journalists have 'lowered the threshold' long observed in revealing details of a public figure's private life."

II. FREEDOM OF INFORMATION AND PRIVACY ACTS

Benecki, Maria H.
Developments under the Freedom of Information Act--1987. Duke law journal, v. 1988, Apr.-June 1988: 566-607.

"In perhaps the most significant decision of 1987, the Court of Appeals for the District of Columbia Circuit held that courts must not attempt to quantify the public interest in disclosure of records whose release would cause some invasion of personal privacy."

The D.C. Circuit review: Sept. 1985-Aug. 1986. George Washington law review, v. 55, May & Aug. 1987: whole issue (715-1335 p.)

Partial contents.--The D.C. Circuit: an era of change, by Spottswood W. Robinson, III.--The D.C. Circuit: here and now, by Patricia M. Wald.--Banking.--Civil procedure.--Energy.--Federal Communications Commission.--First amendment.--The Freedom of Information Act.--The Government in the Sunshine Act and the Privacy Act.--Habeas corpus.--Immigration.--Interstate Commerce Commission.--Labor.--Shipping-maritime law.

The D.C. Circuit review: Sept. 1986-Aug. 1987. George Washington law review, v. 56, May-Aug. 1988: whole issue (679-1106 p.)

Includes an introductory article by Circuit Judge Kenneth W. Starr on structuralism in the interpretation of statutes and student-written chapters on affirmative action, banking and securities law, energy, environmental law, ERISA, FCC, first amendment, FOIA, independent counsel, ICC, labor law, Medicare Act, Privacy Act, qualified immunity, and standing. The review is prefaced by memorial tributes to the late Judge Carl McGowan.

Fottler, Myron D. Slovensky, Donna J. Rogers, S. Jean.
Public release of hospital specific death rates; guidelines for health care executives. Hospital & health services administration, v. 32, Aug. 1987: 343-356.

"Recent changes in the regulatory guidelines of the Freedom of Information Act have allowed greater public access to hospital specific data concerning Medicare patients. The result has been a significant increase in media attention to hospital outcomes, particularly death rate data. This article outlines the changes and potential problem areas, discusses how hospitals in Birmingham, Alabama were affected, and how they responded. Proactive strategies for managing the public release of hospital specific death rates are proposed as part of an ongoing quality management program."

Graves, Florence.
Anatomy of a secret file. Common Cause magazine, v. 12, Jan.-Feb. 1986: 22-29.

In 1946 the F.B.I., suspecting journalist Penn Kimbal of disloyalty to the government, began keeping a file on his activities. The efforts of this man to get the Justice Dept. to disclose the information that it had gathered illustrates both the strengths and weaknesses of the Freedom of Information Act.

Guidebook to the Freedom of Information and Privacy Acts. Compiled and edited by Justin D. Franklin and Robert F. Bouchard. New York, C. Boardman, 1986- 1 v. (looseleaf).

Jones, Trina.
Collective bargaining in the Federal public sector: disclosing employee names and addresses under exemption 6 of the Freedom of Information Act. Michigan law review, v. 89, Feb. 1991: 980-1007.

"This comment examines the application of FOIA and the Privacy Act to union requests for employee names and addresses under the Fed. L-M Statute."

Lorman, Alvin J. Johnson, Daniel R. O'Keefe, Daniel F., Jr.
Tilting the balance in favor of disclosure: the scope of the medical records exemption to the Federal Freedom of Information Act. Food drug cosmetic law journal, v. 43, Jan. 1988: 17-32.

"The article concludes that, except under the most unusual circumstances, the release of medical records (with details identifying the subjects deleted) which form the underlying data for government sponsored epidemiological or biomedical research is mandated by FOIA."

McCamus, John D.
The delicate balance: reconciling privacy protection with the freedom of information principle. Government information quarterly, v. 3, no. 1, 1986: 49-61.

"Many of the major western democracies have enacted freedom of information legislation in recent years. The author argues that these legislative schemes have not yet successfully resolved the tension between the desire for greater openness which these schemes manifest and a concern to protect personal privacy. The author compares the approaches taken in federal legislation in Canada and the U.S. and concludes that the former scheme permits undue sensitivity to privacy protection concerns to undermine the access scheme."

Mitgang, Herbert.
Policing America's writers. New Yorker, v. 63, Oct. 5, 1987: 47-48, 51, 54-56, 58-60, 62-64, 69-70, 72, 74, 76-90.

Reports the results of a number of Freedom of Information Act requests that uncovered dossiers on many prominent twentieth-century American writers. "Among the writers who were subjected to scrutiny by the Federal Bureau of Investigation and other agencies are Nelson Algren W. H. Auden, Pearl Buck, Truman Capote, John Dos Passos, Theodore Dreiser, William Faulkner, Ernest Hemingway, Sinclair Lewis, Robert Lowell, Archibald MacLeish, John O'Hara, Carl Sandburg, Robert Sherwood, John Steinbeck, Thornton Wilder, Tennessee Williams, Edmund Wilson, and Thomas Wolfe."

Robins, Natalie.
The defiling of writers: Hoover and American lit. Nation, v. 245, Oct. 10, 1987: 367-370, 372.

Reports some of the contents of the FBI files on 134 American authors obtained under the Freedom of Information Act.

Rubin, Paul A.
Applying the Freedom of Information Act's privacy exemption to requests for lists of names and addresses. Fordham law review, v. 58, Apr. 1990: 1033-1051.

"This Note examines whether an individual's name or address should be released from a government file pursuant to a disclosure request under the Freedom of Information Act."

Symposium: toward a government information policy--FOIA at 20. Public administration review, v. 46, Nov.-Dec. 1986: 603-639.

Partial contents.--Government is information (but not vice versa), by Harlan Cleveland.--The Freedom of Information Act: a collage, by John E. Moss and others.--Managing the Freedom of Information Act and Federal information policy, by Lotte E. Feinberg.--The Supreme Court, the first amendment, and Freedom of Information, by Phillip J. Cooper.--Access to government information in the information age, by Harold C. Relyea.--Privacy, government information, and technology, by Priscilla M. Regan.

U.S. Congress. House. Committee on Government Operations.
A citizen's guide on using the Freedom of Information Act and the Privacy Act of 1974 to request government records; third report. Washington, G.P.O., 1989. 58 p. (Report, House, 101st Congress, 1st session, no. 101-193)

U.S. General Accounting Office.

Freedom of information: release of service members' addresses to a political campaign committee; report to the Chairman, Committee on Government Operations, House of Representatives. Feb. 1986. Washington, G.A.O., 1986. 23 p.

"GAO/NSIAD-86-61"

Investigates whether "a Reagan-Bush Campaign Committee request to the Department of Defense (DOD) for the names and official business addresses of military personnel was processed according to DOD policy and regulations. This report summarizes the steps DOD took to process this request and identifies those that were not in accordance with DOD regulations."

Nuclear waste: quality assurance auditors need access to employee records: report to the Honorable James H. Bilbray, House of Representatives. Jan. 18, 1991. Washington, G.A.O., 1991. 25 p.

"GAO/RCED-91-07, B-240668"

Finds that DOE has not given priority to identifying and resolving Privacy Act issues and this has delayed achieving NRC's acceptance of DOE's program for ensuring that work at Yucca Mountain will be acceptable.

Privacy Act: Federal agencies' implementation can be improved; report to the Chairman, Subcommittee on Government Information, Justice, and Agriculture, Committee on Government Operations, House of Representatives. Aug. 1986. Washington, G.A.O., 1986. 62 p.

"GAO/GGD-86-107"

Examines "how federal agencies have implemented the Privacy Act of 1974. The report addresses the organizational structures adopted by agencies, the roles of agency Privacy Act officers, and agency adherence to Privacy Act provisions and Office of Management and Budget (OMB) guidance."

Waldron, Gerard J. Israel, Jeff A.

Developments under the Freedom of Information Act--1988. Duke law journal, v. 1989, June 1989: 686-737.

Comment surveys judicial, administrative, and legislative developments during the Act's 22nd year.

Wilborn, S. Elizabeth.

Developments under the Freedom of Information Act--1989. Duke law journal, v. 1990, Nov. 1990: 1113-1156.

Comment states that "during 1989, acts of judicial interpretation, administrative bureaucracy, and congressional inaction curtailed the ability of American citizens to gain access to government records under the Freedom of Information Act (FOIA) . . . . In 1989, the central battles over the trend toward decreased access concerned the definition of agency records, information stored in computerized formats, and privacy rights under the FOIA."

Worthington, Jan.

Is there freedom of I.R.S. information? Church of Scientology of California v. Internal Revenue Service. Tax lawyer, v. 42, winter 1989: 381-389.

Case note describes Church of Scientology of California v. I.R.S., in which the Supreme Court "held that section 6103 exempts return information from disclosure under the Freedom of Information Act. The Court reasoned that because the statute provides an elaborate definition of return information, enabling the release of return information that had merely been stripped of identifying details would make many portions of the definition irrelevant."

III. SEX AND FAMILY

Abortion. Edited by Janet Podell. New York, H. W. Wilson Co., 1990. 231 p. (Reference shelf, v. 62, no. 4)
Contents.--The right to choose.--The right to live.--If abortion were illegal.--Ethical debates.--Approaches to compromise.--Bibliography.

Abortion. Liberty, v. 84, Mar.-Apr. 1989: 3-15, 27.
Contents.--Silencing the Bishops, by John P. Hale.--Abortion is a four-letter word, by Roland R. Hegstad.--"Quality of life": toward a compassionate and Christian ethic, by Richard Fredericks.--Abortion and Christian principles, by Gerald Winslow.--A movement divided, by Lyn Cryderman.

Abortion: a nation divided. State government news, v. 32, Nov. 1989: whole issue (34 p.)
Partial contents.--Abortion and the statehouse campaign.--From Roe to Webster: court hands abortion to States.--Status of abortion laws.--Point/counterpoint: how far should States go?--New approaches to teen pregnancy prevention.

Abortion and the Constitution: reversing Roe v. Wade through the courts. Dennis J. Horan, Edward R. Grant, and Paige C. Cunningham, editors. Washington, Georgetown University Press, 1987. 374 p.

Abortion in the United States: a compilation of State legislation. Howard A. Hood, editor. Buffalo, W.S. Hein, 1991. 2 v.

Abortion: is there a middle ground? Christian century, v. 107, Feb. 21, 1990: 180-186.
"While insisting on abortion rights, Frances Kissling thinks the pro-choice movement must go beyond an absolutist interpretation of those rights if it wants to forge public policy that is practical and morally sound. The pro-life movement has always known that in order to help the unborn it must help women, contends James R. Kelly. Now it must make that insight part of its operative program."

Abortion: searching for common ground. Hastings Center report, v. 19, July-Aug. 1989: 22-37.
Contents.--Is there life after Roe v. Wade?, by Mary B. Mahowald.--A world without Roe: how different would it be?, by Mary Ann Glendon.

Abortion: the gathering storm. Ms., v. 17, Apr. 1989: 87-95.
Contents.--Politics, by Peggy Simpson.--Roe v. Wade, by Rhonda Copelon and Kathryn Kolbert.--Operation Rescue, by Mary Suh and Lydia Denworth.

Abortion: what does 'Webster' mean? Commonweal, v. 116, Aug. 11, 1989: 425-428.
Reactions to the Supreme Court's Webster v. Reproductive Health Services' abortion decision by Richard McCormick, Mary Ann Glendon, Fred Siegel, Sidney Callahan, Marpy Segers, E. J. Dionne, Daniel Callahan, Juli Wiley, Annie Milhaven, and Burke Balch.

Adolescent abortion: psychological and legal issues: report of the Interdivisional Committee on Adolescent Abortion, American Psychological Association. Edited by Gary B. Melton. Lincoln, University of Nebraska Press, 1986. 152 p. (Children and the law)

Allen, Anita L.
Privacy, surrogacy, and the Baby M case. Georgetown law journal, v. 76, June 1988: 1759-1792.
"This essay argues that constitutional privacy prohibits the validation and enforcement of irrevocable surrogacy agreements. [The author's] conviction is two-fold: 1) childless men and couples do not have privacy rights that entitle them to state enforcement of surrogacy agreements; and 2) by contrast, would-be surrogate mothers have constitutional privacy rights so strong as to limit their own capacities for alienating their procreative and traditional parental prerogatives."

Anderson, Carl A.
After Roe: you can't go home again. Human life review, v. 13, spring 1987: 53-67.
Examines the question: what kind of constitutional jurisprudence of human life should we have after Roe?"

Annas, George J.
Roe v. Wade reaffirmed, again. Hastings Center report, v. 16, Oct. 1986: 26-27.
Holds that the Supreme Court's most recent opinion in Thornburgh v. American College of Obstetricians and Gynecologists, "like its 1976 decision in Danforth (428 U.S. 52), and its 1983 decisions in Akron (462 U.S. 416) and Ashcroft (462 U.S. 476), addresses specific legislative provisions designed to curtail abortions."

Arkes, Hadley.
Abortion and moral reasoning. Human life review, v. 13, winter 1987: 41-73.
Offers "principled reasoning" to show that the legalization of abortion since Roe v. Wade is not consistent with society's interests as shown in related prohibitions against homicide or racial discrimination, for example.

How to roll back Roe. National review, v. 40, Oct. 28, 1988: 30-31, 34-35, 59.
"The American 'consensus' on abortion depends heavily on the public's not knowing what is in Roe v. Wade. If the full impact of that decision can be brought to light, the Left's position will unravel."

Backlin, Jim.
The Webster aftermath: an update. Washington, Republican Study Committee, 1989. 8 p.
Partial contents.--Battleground in the States.--Tactics by pro-abortion forces.--Upcoming Supreme Court cases.

The Battle over abortion. Newsweek, v. 114, July 17, 1989: 21, 24-27.
Five articles dealing with the Supreme Court decision on Webster v. Reproductive Health Services: The future of abortion: the court drills a crack in the foundation of Roe.--Voting in curbs and confusion: how five likely State restrictions might work.--The new political rules.--The doctors' dilemma.--A new majority ticks off the Reagan agenda: undermining precedent by sharply narrowing it.

Bell, Tina.
Operation Rescue. Human life review, v. 14, summer 1988: 37-52.
Reports on the activities of Operation Rescue an anti-abortion movement which believes that their position will prevail if enough people are willing to get arrested and, if necessary, spend time in jail in numbers large enough to attract media attention.

Binion, Gayle.
Webster v. Reproductive Health Services: devaluing the right to choose. Women & politics, v. 11, no. 2, 1991: 41-59.
"Webster (1990) was not an inconsequential decision. While it did not overrule the doctrine of Roe v. Wade (1973), its devaluation of the significance of the restrictions on reproductive choice in the challenged Missouri statute has served to undermine the substantive protections of that right as against governmental obstacles and burdens. When this devaluation is coupled with the refusal of a majority of the Court to apply compelling state interest jurisprudence to such restrictions, it is apparent that for this Court, at this time, the litigative burden will remain with women to demonstrate that each state legislated 'preference for childbirth,' however operationalized, is not sustainable."

Biskupic, Joan.
Abortion protagonists gird for crucial court test. Congressional Quarterly weekly report, v. 47, Apr. 8, 1989: 753-758.
"What distinguishes the Webster case from numerous other abortion controversies that have come before the court is that the Bush administration and anti-abortion groups have asked the justices to use it to overturn Roe v. Wade."

Bonavoglia, Angela.
Kathy's day in court. Ms., v. 16, Apr. 1988: 46-52.

"Because she didn't want to tell her parents, Kathy, like thousands of teens across America, had to ask a judge for permission to have her abortion. Eventually, she was allowed her choice. What do parental consent laws accomplish?"

Bopp, James, Jr. Coleson, Richard E.
The right to abortion: anomalous, absolute, and ripe for reversal. B.Y.U. journal of public law, v. 3, no. 2, 1989: 181-355.

Article claims that Roe v. Wade was a "tangential departure from precedent" by the Supreme Court. The authors assert that distortions in the areas of privacy rights, fetal rights, medical regulation, and procedural and adjudicatory issues "occur in the direction of making the abortion right absolute. The special treatment for the abortion right violates the principles underlying the rule of law," requiring the reversal of Roe v. Wade, they argue.

Webster and the future of substantive due process. Duquesne law review, v. 28, winter 1990: 271-294.

Article holds that the Supreme Court decision, Webster v. Reproductive Health Services, indicates that Roe v. Wade "is without majority on the Court. Roe is de facto overruled." Abortion rights are not seen as fundamental, but as subject to State regulation.

Botkin, Jeffrey R.
The legal concept of wrongful life. JAMA [Journal of the American Medical Association], v. 1259, Mar. 11, 1988: 1541-1545.

"'Wrongful birth' and 'wrongful life' are two new legal concepts that have been developed in the last two decades as a result of prenatal diagnostic capabilities and the right to control reproduction through contraception or abortion."

Bregman, Jenn Swenson.
Conceiving to abort and donate fetal tissue: new ethical strains in the transplantation field--a survey of existing law and a proposal for change. UCLA law review, v. 36, Aug. 1989: 1167-1205.

Demonstrates "how becoming pregnant with an intent to abort the fetus and donate the tissue to a designated donee is legal under current California law " Also proposes legislation to change this law.

Broden, F. Clinton.
Emergency room surgery on abortion rights. Journal of law & politics, v. 6, summer 1990: 827-853.

"This Note will consider the current status of the federal right of women to obtain an abortion as guaranteed by the Supreme Court in 1973 in the landmark decision of Roe v. Wade and since held to be conditional in various ways--most recently in Webster v. Reproductive Health Services. It will then turn to focus on the various 'emergency room' techniques several state supreme courts have employed in order to avoid these constrictions."

Browne, Colleen M. Hynes, Brian J.
The legal status of frozen embryos: analysis and proposed guidelines for a uniform law. Journal of legislation, v. 17, winter 1990: 97-122.

"Part I of this note examines in vitro fertilization and the process of freezing human embryos, including a description of the various factual contexts which raise important moral and legal issues surrounding these new reproductive techniques. Part II reviews case and statutory law that has either directly or indirectly dealt with some of these issues. Part III analyzes various factual scenarios and answers some of the legal questions, in accordance with the opinion of the Supreme Court in Webster v. Reproductive Health Services. Finally, part IV proposes a framework that should be followed by drafters of state laws or uniform law to regulate the creation and freezing of human embryos."

Buckley, William F., Jr. McGurn, William. Van Den Haag, Ernest.
Abortion: the debate. National review, v. 41, Dec. 22, 1989: 25-31.

Contents.--Where we stand, by William F. Buckley, Jr.--What the people really say, by William McGurn.--Is there a middle ground?, by Ernest Van Den Haag.

Bulger, William M.

The most common death chamber. Human life review, v. 13, winter 1987: 93-104.

Presses the urgency of eliminating abortion on demand. "Since that decision in 1973, those killed by abortion in the United States exceed twenty million. That is almost forty times the number of American dead in all wars from the Revolution to and including Vietnam. It is a number almost equal to the entire population of Canada. It is twice the number of humans murdered by the regime of the depraved Adolph Hitler."

Bullert, Gary.

The homosexual rights movement: its ideology, goals, and tactics. Journal of social, political and economic studies, v. 12, spring 1987: 3-27.

"The Homosexual Rights Movement has rapidly become a major political force. It endeavors not only to revoke all discriminatory laws but to transform the cultural and moral values of American society . . . . The AIDS epidemic has fully demonstrated how the Movement can capitalize upon a potentially negative occurrence and actually channel it into a means to obtain sympathy and support for objectives."

Burtchaell, James Tunstead.

The limits of the law: reflections on the abortion debate. Chicago, Americans United for Life, Legal Defense Fund, 1987. 16 p. (Law, medicine & society series, no. 23)

Callahan, Daniel.

An ethical challenge to prochoice advocates: abortion & the pluralistic proposition. Commonweal, v. 117, Nov. 23, 1990: 681-687.

Examines "the subject of abortion as a case study of the problems and paradoxes of the pluralistic proposition, particularly as it has manifested itself in the logic and politics of the prochoice position."

Cartoof, Virginia G. Klerman, Lorraine V.

Parental consent for abortion: impact of the Massachusetts law. American journal of public health, v. 76, Apr. 1986: 397-400.

"Assessed the impact of Massachusetts' parental consent law, which requires unmarried women under age 18 to obtain parental or judicial consent before having an abortion . . . . Findings indicate that half as many minors obtained abortions in the state during the 20 months after the law went into effect as had done so previously. More than 1,800 minors residing in Massachusetts traveled to five surrounding states during these 20 months to avoid the statute's mandates."

Clapp, Marilyn J.

State prohibition of fetal experimentation and the fundamental right of privacy. Columbia law review, v. 88, June 1988: 1073-1097.

"This Note argues that fetal research significantly affects the fundamental reproductive rights of both couples and women and therefore is protected under the Constitution."

Cole, Helene M.

Legal interventions during pregnancy. JAMA [Journal of the American Medical Association], v. 264, Nov. 28, 1990: 2663-2670.

"Public officials have tried to impose legal penalties on women whose behavior is not in the best interest of the fetus. This report, which is based on the deliberations of the Committee of Medicolegal Problems, discusses the various legal and policy concerns and makes recommendations regarding legal interventions in pregnancy."

Colker, Ruth.

Feminism, theology, and abortion: toward love, compassion, and wisdom. California law review, v. 77, Oct. 1989: 1011-1075.

"In this article, Professor Colker explores the relationship between theology and feminism, and demonstrates how each can help us realize the aspirations of love, compassion, and wisdom. She concludes that constitutional interpretation informed by feminist-theological aspirational thinking is the best way to enhance legislative and judicial dialogue on the abortion issue and protect the well-being of women."

Feminist litigation: an oxymoron?--a study of the briefs filed in William L. Webster v. Reproductive Health Services. Harvard women's law journal, v. 13, spring 1990: 137-214.

"I will begin by discussing the importance of dialogue and how the aspiration of dialogue relates to our work as feminist lawyers . . . . I posit a model of good faith argumentation . . . . This model suggests that good faith arguments in the abortion debate must consider both women's well-being and the value of prenatal life. I then apply my discussion of dialogue and good faith argumentation to the kinds of arguments that feminists and others made in William Webster v. Reproductive Health Services concerning whether Roe v. Wade should be overturned and abortion-policy decisions left to the state legislatures for determination." Includes Notes from the field: a reply to Professor Colker, by Sarah E. Burns and Reply to Sarah Burns, by Ruth Colker.

Collins, Ronald K. L.

Is there "life" (or "choice") after Roe? Constitutional commentary, v. 3, winter 1986: 91-96.

Article asks: "what would happen in a post-Roe world if the Constitution did not shield women seeking abortions?" Starts "with Roe's demise (for better or worse) as a given and proceed[s] from there to several possible state and federal legislative, judicial, and political scenarios."

Constitutional barriers to civil and criminal restrictions on pre- and extramarital sex. Harvard law review, v. 104, May 1991: 1660-1680.

"The decision to have sex is one of the most important decisions any individual can make. Sex can be a key component of the closest of human relationships, can solidify intimacy, can be enormously fun, and can even create human life. But the decision to have sex also can result in shame, ostracism, an unwanted pregnancy, and even death. This Note argues that consensual heterosexual intercourse is a constitutionally protected activity, immune from governmental regulation absent reasons compelling enough to justify the invasion of the most private matters."

Cook, Rebecca J.

Antiprogestin drugs: medical and legal issues. Family planning perspectives, v. 21, Nov.-Dec. 1989: 267-272.

"This commentary explains the legal and regulatory status of RU 486 as used in combination with prostaglandin in France and addresses some of the legal questions that countries, including the United States, will have to face as they consider approval of this and other antiprogestin drugs for abortifacient purposes."

Copelon, Rhonda. Kolbert, Kathryn.

Imperfect justice. Ms., v. 18, July-Aug, 1989: 42-44.

"It's clearly dangerous to rely on nine justices and the federal courts to preserve our reproductive rights."

Coping with conflict: reproductive choices and community controversy. Washington, League of Women Voters Education Fund, 1986. 31 p.

Partial contents.--The state of the law [on abortion].--State, local, national issues.--Fetal status.--Restrictions on minors' access.--Harassment and evidence.--What citizens can do.--Appendix: unresolved legal issues.

Craycraft, Kenneth R., Jr.

Gender-specific abortion. Human life review, v. 15, spring 1989: 36-41.

"To be consistent, abortion advocates cannot protest gender-specific abortion in India, Asia, the United States, or anyplace else. If a woman has the right to do with her body what she wills--and if the fetus within her is mere tissue--then one argues against one's own position by objecting to sex-discrimination abortion."

Curry, Hayden. Clifford, Denis.

A legal guide for lesbian and gay couples. Edited by Robin Leonard. Berkeley, Calif., Nolo Press, 1989 (1990 printing). 1 v. in various pagings.

Danis, Mark W.
Fetal tissue transplants: restricting recipient designation. Hastings law journal, v. 39, July 1988: 1079-1107.
"In Section I, the Note provides an overview of the medical and statutory background of fetal tissue use. Current regulatory inadequacies are discussed in Section II and a proposal is made to prohibit either parent from designating the recipient of fetal tissue from an elective abortion. Section III analyzes the right to privacy and its role in challenges to fetal experimentation statutes . . . . Finally, the Note concludes that this proposal would withstand a constitutional challenge and is necessary to protect against the degradation of women and the reproductive process."

DeParle, Jason.
Beyond the legal right. Washington monthly, v. 21, Apr. 1989: 28-29, 32-38, 40, 42-44.
"The problem with much prochoice thinking is suggested by the movement's chief slogan, 'a woman's right to control her body,' which fails to acknowledge that the great moral and biological conundrum is precisely that another body is involved."

Desmond, Joan Frawley.
Should we 'harvest' fetal tissue? Human life review, v. 14, winter 1988: 71-78.
Points out the potential of fetal tissue surgery, in treatment of blindness, senility, nerve and kidney disorders, and paralysis. Cautions that this new technique brings up many unanswered moral and legal questions.

Developments in the law: sexual orientation and the law. Harvard law review, v. 102, May 1989: 1508-1671.
Comment examines the legal problem faced by gays in the criminal justice system, employment, public education, same-sex relationships, parental rights, and other allegedly discriminatory practices.

Dickens, Bernard.
Abortion, amniocentesis and the law. American journal of comparative law, v. 34, spring 1986: 249-270.
Centers on the "legal relationships between medical recourse to abortion and the results of prenatal testing of a fetus conducted by amniocentesis" and other methods of prenatal diagnosis. Discussion includes legal indications (i.e., definition or description of the severity of fetal abnormality) for abortion; negligence; wrongful birth; and wrongful life, in Canada, Great Britain, and the U.S.

A Documentary history of the legal aspects of abortion in the United States: Webster v. Reproductive Health Services. Compiled by Roy M. Mersky and Gary R. Hartman. Littleton, Colo., F.B. Rothman, 1990. 8 v.

Doerr, Edd.
Abortion: right or wrong? USA today [magazine], v. 117, Jan. 1989: 51-53.
Argues "that there is no good reason why our country should retreat from the constitutional protection it finally has extended to women to determine for themselves if and when they will produce children. Indeed, that protection can and should be made more complete and secure."

Does sodomy decision give history its due . . . or does it try to fossilize the Constitution? Legal times, v. 9, July 21, 1986: 5, 12.
Attorneys Jordan Lorence and David W. Ogden offer separate pro and con discussions of the Supreme Court's decision in Bowers v. Hardwick upholding the constitutionality of Georgia's sodomy statute.

Drucker, Dan.
Abortion decisions of the Supreme Court, 1973 through 1989: a comprehensive review with historical commentary. Jefferson, N.C., McFarland & Co., 1990. 206 p.

Dyke, Molly C.
A matter of life and death: pregnancy clauses in living will statutes. Boston University law review, v. 70, Nov. 1990: 867-887.
"This Note addresses the constitutionality of pregnancy clauses in light of emerging Supreme Court jurisprudence concerning fetal rights and the more established areas of privacy and abortion. The Note also examines state court decisions which seem willing to give greater weight to fetal rights than to the rights of the mother in cases where pregnant women have refused medical treatment."

Faux, Marian.
Roe v. Wade: the untold story of the landmark Supreme Court decision that made abortion legal. New York, Macmillan, 1988. 370 p.

Franklin, Charles H. Kosaki, Liane C.
Republican schoolmaster: the U.S. Supreme Court, public opinion, and abortion. American political science review, v. 83, Sept. 1989: 751-771.
Sees the Court's historical role as a schoolmaster "inculcating virtues in the citizenry," thereby increasing public support for its rulings. Assesses public reaction to Roe v. Wade and polarized attitudes about abortions.

The Future of gay America. Newsweek, v. 115, Mar. 12, 1990: 20-25.
"The '90s reflect a new spirit of anger, activism and political clout. But how far will the limits of tolerance extend?" Among the topics discussed are the right of homosexuals to raise families, civil rights, and marriage. Includes sidebars, The younger generation says yes to sex, by James N. Baker with collaborators and Lesbians: portrait of a community, by James N. Baker with Shawn D. Lewis.

Gallagher, Janet.
Prenatal invasions & interventions: what's wrong with fetal rights. Harvard women's law journal, v. 10, spring 1987: 9-58.
"This Article will explore how the pregnant woman's fundamental rights to bodily integrity, self-determination, and privacy protect her against government intrusion into her medical decisions."

Gallagher, Maggie.
The new pro-life rebels. National review, v. [illegible] Feb. 27, 1987: 37-39.
"In 1972, NOW purged pro-life feminists from its ranks . . . . The disfranchised members of NOW formed an organization of their own, Feminists for Life of America, which is on the cutting edge of a phenomenon just beginning to gain notoriety: the left-wing pro-life movement."

Gay marriage: should homosexual marriages be recognized legally? American Bar Association journal, v. 76, Jan. 1990: 42-43.
Contents.--Yes: marriage is a fundamental right, by Thomas Stoddard.--No: reserve marriage for heterosexuals, by Bruce Fein.

Gentles, Ian.
Good news for the fetus. Policy review, no. 40, spring 1987: 50-54.
Examines two of the premises on which the legalization of abortion was based. "The first is that women who want abortions will get them anyway--no law has ever stopped a woman from getting an abortion. The second, which derives from the first, is that since abortion is inevitable, it is better that women have their abortions in safe and legal hospital facilities; otherwise they will have to turn to backalley abortions, resulting in medical problems and high death rates for mothers."

Gest, Ted.
The abortion furor. U.S. news & world report, v. 107, July 17, 1989: 18-22.
"The Supreme Court threw the issue back to states and probably changed the face of American politics for the next decade."

Givens, Richard A.
Status of pre-Webster criminal abortion statutes. New York State Bar journal, v. 62, Feb. 1990: 55-56, 70.
Article examines the impact of the Webster v. Reproductive Health Services decision on pre-Webster criminal abortion statutes.

Glantz, Leonard H.
Abortion and the Supreme Court: why legislative motive matters. American journal of public health, v. 76, Dec. 1986: 1452-1455.
Examines the Supreme Court's Thornburgh decision in which "the Court is seeking to emphasize that these abortion cases are not just about the rights of women to make private and intimate choices about childbearing, but about the rights of all citizens to make personal choices without inappropriate state interference."

Glazer, Sarah.
Abortion policy. Washington, Congressional Quarterly, 1987. 533-547 p. (Editorial research reports, 1987, v. 2, no. 14)
"If the Supreme Court modified or overturned its landmark ruling in Roe v. Wade, the states would again have a major role in abortion policy."

Gliedman, Wendy L.
Obscenity law: definitions and contemporary standards. Annual survey of American law, v. 1985, Oct. 1986: 913-927.
Article concludes that "in light of the demands of the market and the difficulties of providing a satisfactory definition of bannable material, the regulation of obscenity might be better left to the public--through individual screening of the media or the exertion of nongovernmental power through citizen boycotts or other public pressure--than to the courts or legislatures."

Goldberg, Arthur J.
A kinder and gentler Supreme Court? Hastings constitutional law quarterly, v. 17, winter 1990: 287-291.
Former Associate Justice of the Supreme Court assesses the decisions concerning abortion and capital punishment made by the Court in its 1988 term. Discusses Webster v. Reproductive Health Services, Griswold v. Connecticut, Penry v. Lynaugh and Stanford v. Kentucky.

Goldberg, Susan.
Medical choices during pregnancy: whose decision is it anyway? Rutgers law review, v. 41, winter 1989: 591-623.
Article contends that "while the consequences of respecting a woman's right to refuse treatment may sometimes yield tragic consequences for the fetus, the woman, or both, no alternative exists that does not diminish the autonomy of the woman and place pregnant women in a less protected status than other adults."

Of gametes and guardians: the impropriety of appointing guardians ad litem for fetuses and embryos. Washington law review, v. 66, Apr. 1991: 503-544.
"This Article maintains that appointing guardians ad litem for fetuses and embryos is inappropriate. Fetuses and embryos are not accorded the same status as existing persons under constitutional law. Protecting such entities, which are completely dependent on the women who carry them, violates the privacy rights of pregnant women."

Gordon, Linda.
Reproductive rights for today: some policy proposals. Nation, v. 245, Sept. 12, 1987: 230-232.
Recommends that "there should be no regulation requiring medical or any other professional or legal supervision of artificial insemination . . . . Surrogacy contracts ought to have no legal force . . . . No pregnant or birthing woman should be required to accept medical treatment . . . . There should be no limits to term set on abortions . . . . Women should have complete informed consent regarding the type of abortion to be performed."

Gordon, Mary. Bayles, Martha.
A moral choice/ feminism and abortion. Atlantic monthly, v. 265, Apr. 1990: 78-82, 84-88.
"A novelist and a social critic address one of the most divisive issues in America. The decision to have an abortion can be an utterly moral one, Mary Gordon writes. Pro-choice arguments, Martha Bayles contends, reflect the hypocrisies and contradictions of modern feminism."

Gorney, Cynthia.
Taking aim at Roe v. Wade. Washington post magazine, Apr. 9, 1989: 18-26, 42-44.
Discusses the evolution of William L. Webster v. Reproductive Health Services and its possible impact on current abortion policy.

Gray, Karen F. B.
An establishment clause analysis of Webster v. Reproductive Health Services. Georgia law review, v. 24, winter 1990: 390-421.

"This Comment will demonstrate that under the Supreme Court's present standard for evaluating the constitutionality of Church and State relations, the Missouri legislature created the inadmissible perception by some state citizens that their government endorsed the religious views of the well-organized and impassioned anti-abortion faction."

Guillebaud, John.

Medical termination of pregnancy. British medical journal, v. 301, Aug. 18-25, 1990: 352-354.

"Despite its potential wide usefulness many antiabortion bodies have united to oppose RU 486. They make the point that a black market for the drug could develop, with associated medical hazards. But such problems are more, not less, likely if the drug is driven underground."

Gup, Ted.

Identifying homosexuals: what are the rules? Washington journalism review, v. 10, Oct. 1988: 30-33.

"Over the years, several arguments have been made in support of identifying homosexuals in stories. The categories are arbitrary and overlap somewhat. Some arguments are sound, others dubious and outdated," Gup concludes. Outlines and analyzes several news stories where the homosexuality of the subject was discussed.

Halley, Janet E.

The politics of the closet: towards equal protection for gay, lesbian, and bisexual identity. UCLA law review, v. 36, June 1989: 915-976.

"The [Supreme] Court in Bowers v. Hardwick, far from rejecting the Footnote Four tradition [of the 1938 Carolene Products decision], drew on its characterization of the judicial role. It made a constitutional promise to the very gay men and lesbians it spurned--a promise to guarantee us a full and unimpeded opportunity to advocate repeal of the sodomy statutes. This article attempts to clear the ground for such protection," finding "that the political circumstances that produce both the closet and gay, lesbian, and bisexual identity pervasively infect the process by which antihomosexual legislation--including the sodomy laws--has been adopted. It argues that this infection is so severe that process-based equal protection scrutiny is at once necessary and justified."

Halva-Neubauer, Glen.

Abortion policy in the post-Webster age. Publius, v. 20, summer 1990: 27-44.

"Abortion policy will not change significantly as a result of the U.S. Supreme Court's decision in Webster v. Reproductive Health Services. The decision was not as expansive as generally reported. Cases considered during the October 1989 term are not likely to bring significant changes in abortion jurisprudence. A typology of post-Roe state legislative policymaking suggests that most states are unwilling to enact severe abortion restrictions. This is largely confirmed by the state legislative action that has followed Webster."

Harvey, Brett.

The morning after. Mother Jones, v. 14, May 1989: 27-31, 43-47.

Expresses fears about the future of "safe, legal abortion," in anticipation of the Supreme Court's Webster v. Reproductive Health Services decision. An accompanying article by Pamela Erens, "Anti-abortion, pro-feminism," profiles the FFL, Feminists for Life of America. Explains that organization's position that "equal rights for all women," and "the right of every baby to be born," are not contradictory or exclusive.

Hentoff, Nat.

The indivisible fight for life. Chicago, Americans United For Life, 1987. 9 p.

Imber, Jonathan B.

Abortion policy and medical practice. Society, v. 27, July-Aug. 1990: 27-34.

"Few struggles have more symbolic importance for understanding the nature of modern technical elites than the abortion debate in medicine. Legalization of abortion has not resolved what the profession's medical and moral responsibilities are, and to this extent, such uncertainty now appears to be entirely a matter for either judicial review or legislative action."

Is abortion the issue? Harper's magazine, v. 273, July 1986: 35-43.
Panel discussion by Judy Woodruff, Linda Gordon, Sidney Callahan, Ellen Willis, and Ellen Wilson Fielding on the fundamental differences between pro-life and pro-choice advocates.

Jipping, Thomas L.
Informed consent to abortion: a refinement. Case Western Reserve law review, v. 38, no. 3, 1988: 329-386.
"This Article examines and rejects the contention that physicians have a right to be free from government regulation in their practice of medicine . . . . It concludes that a framework focusing on the rights of women rather than physicians and employing an 'unduly burdensome' test, and a broad definition of 'health' would best help courts to assess the constitutionality of informed consent statutes."

Johnsen, Dawn E.
The creation of fetal rights: conflicts with women's constitutional rights to liberty, privacy, and equal protection. Yale law journal, v. 95, Jan. 1986: 599-625.
Comment contends that "by creating an adversarial relationship between the woman and her fetus, the state provides itself with a powerful means for controlling women's behavior during pregnancy, thereby threatening women's fundamental rights. A woman's right to bodily autonomy in matters concerning reproduction is protected by the constitutional guarantees of liberty and privacy."

A new threat to pregnant women's autonomy. Hastings Center report, v. 17, Aug. 1987: 33-40.
"Our interest in helping future children by improving prenatal care would best be furthered by helping pregnant women to make informed, less constrained choices, not by punishing women or depriving them of choices altogether."

Jost, Kenneth.
Mother versus child. American Bar Association journal, v. 75, Apr. 1989: 84-88.
"In the past decade, doctors and hospital administrators have asked judges at least 20 times for authority to perform Caesarean sections on unconsenting women, and have been turned down just three times. Under the rubric of fetal rights, judges also have put pregnant women in jail to take better care of the fetuses or to prevent the women from abusing drugs."

Kasindorf, Jeanie.
Mr. Out. New York, v. 23, May 14, 1990: 84, 86-88, 90, 92, 94.
"A gay journalist's campaign to expose famous homosexuals prompts charges of McCarthyism." Profiles Michelangelo Signorile and his controversial decision to print the names of prominent people who are allegedly gay in his columns in OutWeek, a gay-and-lesbian news magazine.

Kaye, Tony.
Are you for RU-486? New republic, v. 194, Jan. 27, 1986: 13-15.
Discusses RU-486, now being tested as a "possible alternative to surgical abortions and as a post-coital contraceptive."

Keen, Lisa M.
In a storm of bills, a glimmer. Washington blade, v. 18, Feb. 13, 1987: 1, 3, 8.
Reviews the dozen or so bills introduced in the 100th Congress dealing with gay rights and AIDS and their prospects for passage.

Kelbley, Charles A.
Bad judgment on judges. Human rights, v. 15, fall 1987: 14-19.
"While it is legitimate for President Reagan to have his own opinion about abortion, it is wrong for him to press that opinion on the federal judiciary." Argues that the "potential victim of the Reagan administration's plan to appoint anti-abortionist judges is the American public."

Kent, Jeffrey J. Truesdell, Scott D.
Spare the child: the constitutionality of criminalizing possession of child pornography. Oregon law review, v. 68, no. 2, 1989: 363-392.
"This Article recommends that states criminalize the mere possession of child pornography as one means of combating this problem. Part I examines the laws

currently governing child pornography and highlights the void they leave by failing to control the possession of the pornographic material. Parts II and III of the Article discuss the constitutionality of criminalizing the possession of child pornography and concludes that such a law would be constitutional."

Knicely, James J.
The Thornburgh and Bowers cases: consequences for Roe v. Wade. Mississippi law journal, v. 56, Aug. 1986: 267-323.

Article analyzes "the colloquy between Justices White and Stevens in Thornburgh [v. American College of Obstetricians and Gynecologists], the dissenting opinion of Justice O'Connor in Thornburgh and the majority opinion in Bowers v. Hardwick, all with respect to the consequences of the arguments advanced therein for Roe v. Wade . . . . It may be asked whether Thornburgh and Bowers constitute a watershed for substantive due process. The decisions reveal a marked split of opinion on the Court concerning the vitality of the privacy doctrine."

Kohut, Andrew. Hugick, Larry.
The Webster decision. Polling report, v. 5, July 17, 1989: 1-6.

Reports public opinion data on the Supreme Court's July 1989 abortion decision. "In a July 6-9 Gallup Poll, 53% disapprove of the decision, while 37% approve. Seven in 10 (71%) say they have strong opinions one way or the other about the decision." Includes a sampling of 1989 opinion on abortion from 15 separate States (p. 1-3) and four national polls dealing specifically with Webster (p. 5-6.).

Kolbert, Kathryn.
The Webster amicus curiae briefs: perspectives on the abortion controversy and the role of the Supreme Court. American journal of law & medicine, v. 15, nos. 2-3, 1989: 153-243.

Attorney-consultant to the ACLU Reproductive Freedom Project summarizes the amici briefs in the 1989 Supreme Court case of Webster v. Reproductive Health Services.

Kornhauser, Anne. Moran, Terence.
Souter preview: the issues, the stakes, the showdown. Legal times, v. 13, Sept. 10, 1990: 30-31.

Looks at six issues--judicial philosophy, privacy and abortion, criminal law, labor law, civil rights, and the first amendment--that Supreme Court nominee David Souter will be questioned about at his upcoming Senate Judiciary confirmation hearings, "a summary of the slim record he has amassed on most of them, and a rough guide to what to look for from the committee and from the nominee during the hearings."

Lacayo, Richard.
Whose life is it? Time, v. 133, May 1, 1989: 20-24.

"The long, emotional battle over abortion approaches a climax as the Supreme Court prepares for a historic challenge to Roe v. Wade."

Langenbach, Lisa. Jelen, Ted G.
Ministers, feminism, and abortion: a causal analysis. Women & politics, v. 11, no. 1, 1991: 33-52.

"The purpose of this brief study is to examine the attitudes of a sample of ministers toward abortion and women's rights. What are the ministers' attitudes toward legal abortion and toward a Human Life Amendment? Which variables account for differences between individual ministers? What, if any, are the connections between ministerial attitudes toward abortion and women's rights?

LaPedis, Michyle A.
California workfare legislation and the right of privacy. Hastings constitutional law quarterly, v. 13, summer 1986: 761-783.

Comment questions the constitutionality of California's Greater Avenues for Independence (GAIN) law. "Asserts that GAIN infringes on the right of privacy of parents who receive AFDC benefits."

Lees, Mindy J.
I want a new drug: RU-486 and the right to choose. Southern California law review, v. 63, May 1990: 1113-1149.

Note concludes that "RU-486 is a remarkable development of modern technology. The drug could save many lives and should be made available to women in the United

States. All legal avenues must be explored to put a stop to anti-abortionist tactics designed to thwart the introduction of this drug."

Legal rights and issues surrounding conception, pregnancy, and birth. Vanderbilt law review, v. 39, Apr. 1986: 597-850.

Legge, Jerome S., Jr.
Abortion as a policy issue: attitudes of the mass public. Women & politics, v. 7, spring 1987: 63-82.

"This study suggests that while religion and religiosity are still sources of division on abortion, significant political divisions also are present contributing to the difficulty the government has in resolving abortion policy issues."

Leonard, Arthur S.
Report from the legal front: gay/lesbian rights. Nation, v. 251, July 2, 1990: 12-15.

"A brief survey of major developments in the law in three areas that are on the cutting edge of gay and lesbian rights: sodomy laws, antigay discrimination by the military and family rights for homosexual partners."

Levin, Michael.
Abortion, homosexuality, and feminism. Human life review, v. 14, fall 1988: 35-43.

Lewis, Marion Halliday.
Unacceptable risk or unacceptable rhetoric? An argument for a quasi-suspect classification for gays based on current government security clearance procedures. Journal of law & politics, v. 7, fall 1990: 133-176.

Comment "concludes that not only are the current governmental policies constitutionally infirm, these policies myopically reject the government's own findings which demonstrate no risk to national security posed by gays and, perhaps, even present evidence to the contrary."

Lindsey, Gene.
The viability of parental abortion notification and consent statutes: assessing fact and fiction. American University law review, v. 38, spring 1989: 881-918.

Assesses the efficacy of the law regarding standards a state must follow if it desires to constrain a minor's right to an abortion. These allow for a minor to forgo parental consent or notification. Analyzes two recent circuit court cases and illustrates the weaknesses in the law in this area.

Linton, Paul Benjamin.
Enforcement of State abortion statutes after Roe: a State-by-State analysis. University of Detroit law review, v. 77, winter 1990: 157-259.

"The enforceability of state abortion statutes once Roe and Doe have been overruled depends on four factors: (1) the text of the law in each state on January 22, 1973 (the date on which Roe v. Wade and Doe v. Bolton were decided); (2) whether legislation enacted after Roe v. Wade expressly or impliedly repealed statutes in force on January 22, 1973; (3) whether an unrepealed abortion statute declared unconstitutional pursuant to Roe v. Wade may be enforced once Roe is overruled or whether it must be re-enacted; and (4) whether regulation of abortion is limited by state constitutional provisions.

Lopez, Antoinette Sedillo.
Privacy and the regulation of the new reproductive technologies: a decision-making approach. Family law quarterly, v. 22, summer 1988: 173-197.

Article contends that "respect for privacy and autonomy protects individuals from many forms of governmental intrusion when they make procreative choices about the characteristics of their future children. The state, thus, should only regulate to prevent private gender-based discrimination, to prevent genetic or gender skewing of the population, and to prevent any one person or entity, including the government, from being able to control the natural genetic development of the human species."

Lynn, Barry W.
Civil liberties: what ever happened to limited government? In Assessing the Reagan years. Edited by David Boaz. Washington, Cato Institute, 1988. p. 367-378.

American Civil Liberties Union lobbyist maintains that "the Reagan administration has been a staunch corrupter of the concept of individual rights" and outlines "some of the major initiatives of the administration in abrogation of individual liberty" in the areas of first amendment rights, reproductive freedom, and criminal laws.

"Civil rights" ordinances and the Attorney General's commission: new developments in pornography regulation. Harvard civil rights-civil liberties law review, v. 21, winter 1986: 27-125.

"The Article concludes that neither those who support the 'sex discrimination' ordinances, nor those more traditional pornography opponents who have endorsed the new Commission, [on pornography] have advanced principles acceptable to a society that is truly supportive of free expression and personal privacy."

MacAvoy-Snitzer, Janice.

Pregnancy clauses in living will statutes. Columbia law review, v. 87, Oct. 1987: 1280-1300.

"Concerned with protecting fetal life, many state legislatures have added to their living will statutes a 'pregnancy clause,' which invalidates the living will of a pregnant patient. This Note argues that pregnancy clauses in living will statutes are unconstitutional when a woman has made a prior declaration that she desires her living will to be given effect regardless of her pregnancy."

Maggard, Heather Fairburn.

Teen-age pregnancy: passing controversial legislation. State legislatures, v. 12, Feb. 1986: 12-16.

Asks: "can legislatures balance the right to life and the right to privacy when the issue is teen pregnancy? More and more states are trying, though legislative solutions are nearly always controversial." Looks at legislative efforts in Connecticut, New York, and Wisconsin.

Magnuson, Roger J.

Are gay rights rights: making sense of the controversy. Portland, Or., Multnomah, 1990. 149 p.

Malinowski, Sandra.

Runaway shelters: rights of confidentiality and self-determination. Columbia journal of law and social problems, v. 21, no. 3, 1988: 235-265.

"This Article argues that information obtained by shelter employees from runaways should be kept confidential, to encourage runaways to use shelters and to protect runaways' privacy. Moreover, the Article argues that shelters should not have to notify the runaway's parents or the police of the child's presence. The Article advocates giving runaways greater autonomy and authority to make placement decisions."

Mangel, Claudia Pap.

Legal abortion: the impending obsolescence of the trimester framework. American journal of law & medicine, v. 14, no. 1, 1988: 69-108.

"Women who wish to terminate a pregnancy, and physicians willing to perform abortions, are subject to increasing harassment from groups which challenge the constitutional abortion right upheld by the Supreme Court in Roe v. Wade. Their vulnerability, in fact, parallels the vulnerability of the abortion right. This Article analyzes the inherent weakness and impending obsolescence of the trimester framework established in Roe."

Maroney, Thomas J.

Bowers v. Hardwick: a case study in federalism, legal procedure and constitutional interpretation. Syracuse law review, v. 38, no. 4, 1987: 1223-1250.

Article holds that "the influence of procedure upon substance in the Hardwick case demonstrates what can happen when the [Supreme] Court decides a constitutional question prematurely and on a non-principled basis, and how it can lead to an outcome profoundly different from that desired by those who fostered the litigation."

McLoughlin, Merrill.

America's new civil war. U.S. news & world report, v. 105, Oct. 3, 1988: 23-25, 27-31.

"It is now 15 years since the U.S. Supreme Court ruled that the Constitution protects a woman's right to have an abortion. Fifteen years, and still the war rages. It is a war of words, with one side screaming bloody murder, the other adamantly insisting that abortion is no more than a matter of a woman's right to control her own body."

Meehan, Mary.
Theologians and abortion: not their finest hour. Human life review, v. 22, fall 1986: 50-74.

Examines the philosophies of pro-choice theologians and argues that their "fuzzy thinking and contradictions appear to have two sources. One is the clash of religious beliefs with the 'me-first' attitude of our unhappy culture. The second is the fuzzy thinking of theologians who should know better."

Mertus, Julie A.
Challenging fake abortion clinics: protecting women's privacy interests without violating the First Amendment. New York University review of law & social change, v. 15, no. 3, 1986-1987: 547-579.

Comment contends that "the impact of fake abortion clinics has been staggering. Between 2,000 and 3,000 such anti-abortion counseling centers are scattered widely throughout the United States, from New York to Florida, to South Dakota, Texas and California. In a single center in Fort Worth, Texas, over 1,090 women entered during a seven-month period. However, despite their profusion, only a handful of fake abortion clinics have been challenged by either private parties or by state attorneys general."

Miller, David R.
Abortion law after Webster v. Reproductive Health Services. Springfield, Illinois General Assembly, 1989. [23] p.

Millman, Claude.
Sodomy statutes and the Eighth Amendment. Columbia journal of law and social problems, v. 21, no. 3, 1988: 267-307.

"In 1986, in Bowers v. Hardwick the United States Supreme Court upheld a Georgia statute which prohibited sodomy, holding that the right to privacy did not extend to consensual homosexual sex. This Article argues that sodomy statutes violate the eighth amendment ban on cruel and unusual punishment . . . . Using current medical and psychological data, the Article argues that sodomy is elemental to a homosexual's status and that the state's interest in deterring homosexual conduct cannot survive strict scrutiny."

Mohr, Richard D.
Gays/justice: a study of ethics, society, and law. New York, Columbia University Press, 1988. 357 p.

Mr. Justice Douglas at Sodom: gays and privacy. Columbia human rights law review, v. 18, fall-winter 1986-1987: 43-110.

"At the level of theory, analyses in this Article answer two important questions: what fundamental rights are implicit in the Constitution, and why is sex a private matter anyway?" Commenting that sodomy laws are almost never enforced, argues that "quite a lot is at stake in the elimination of even unenforced sodomy laws, but that the stakes have largely been misunderstood. The evil of unenforced sodomy laws is chiefly their assault on dignity and only secondarily the unwarranted causing of unhappiness."

Morris, Juli A.
Challenging sodomy statutes: State constitutional protections for sexual privacy. Indiana law journal, v. 66, spring 1991: 609-624.

"It is time for the courts to deregulate private homosexual conduct. Many courts can do so with the tools of privacy and equal protection dormant in their own state constitutions. A few courts . . . have defined the reach of legislative authority to public conduct, and have constructed a theory of privacy based on rights of personality and a theory of homosexual identity based upon complex political discourse. Following this model, judges and rights advocates should develop a state constitutional jurisprudence that protects lesbians and gay men from antihomosexual discrimination," this comment concludes.

Nelson, Lawrence J. Milliken, Nancy.
Compelled medical treatment of pregnant women. JAMA [Journal of the American Medical Association], v. 259, Feb. 19, 1988: 1060-1066.

"Court-ordered obstetric treatment raises a host of fundamental ethical and legal questions for physicians, pregnant women, and society--questions that have not been adequately explored in the medical literature."

Nichol, Gene R., Jr.
The judicial protection of unenumerated constitutional rights. University of Virginia news letter, v. 62, Aug. 1986: whole issue (77-82 p.)

Professor of law examines the difficulties arising from the Supreme Court's recognition of nontextual liberties in the area of individual privacy, "particularly in light of the Supreme Court's recent refusal to afford protection to consenting homosexual activity in the case of Bowers v. Hardwick."

NOW Legal Defense and Education Fund.
Facts on reproductive rights: a resource manual. New York, The Fund [1989] 1 v. in various pagings.

Overall, Christine.
Selective termination of pregnancy and women's reproductive autonomy. Hastings Center report, v. 20, May-June 1990: 6-11.

"Although not precisely the same as abortion, selective termination is similar insofar as in both cases one or more fetuses are destroyed. They differ in that in abortion the pregnancy ends whereas in selective termination, ideally, the pregnancy continues with one or more fetuses still present."

Parental notice laws: their catastrophic impact on teenagers' right to abortion. New York, American Civil Liberties Union Foundation, 1986. 38 p.

The Pastoral care of homosexual persons: doctrinal congregation's letter to bishops. Origins, v. 16, Nov. 13, 1986: 377, 379-382.

Written by the Vatican Congregation for the Doctrine of Faith and signed by Cardinal Joseph Ratzinger, congregation perfect, and Archbishop Alberto Bovone, congregation secretary, the letter to the world's bishops, dated Oct. 1, 1986, and released Oct. 30 with the approval of the pope, terms homosexuality "an objective disorder" and criticizes "civil legislation . . . to protect behavior to which no one has any conceivable right."

Petchesky, Rosalind.
Giving women a real choice: abortion politics in the '90s. Nation, v. 250, May 28, 1990: 732-735.

"More than ever, abortion is the fulcrum of a much broader ideological struggle in which the very meanings of the family, the state, motherhood and young women's sexuality are contested."

Petersen, James R.
Politically correct sex. Playboy, v. 33, Oct. 1986: 66-68, 85.

"The feminists gave the Meese commission the 'damsel in distress' metaphor it needed to work its repressive deed. Even though there was no evidence to prove the claim, porn 'harmed' women. The Meese commission called women who would support that charge and ignored women who tried to defend their right to erotica."

Peterson, Robert W.
Private behavior, public policy. Advocate, no. 516, Jan. 17, 1989: 8-10.

Reports on the debate among gay activist groups over the wisdom of exposing secretly gay politicians who take publicly antigay positions.

Pierce, Martha.
Husband notification for abortion in Utah: a patronizing problem. Utah law review, v. 1986, no. 3, 1986: 609-629.

"Comment examines the constitutional issues presented by the Utah husband notification statute as applied to a first trimester abortion. First, the background of the statute and the development of the concept of a right to privacy as it relates to abortion rights are briefly reviewed . . . . The Utah statute then is analyzed by examining, at the appropriate level of scrutiny, both its burden on a woman's constitutional right to privacy, and the legitimate state interests purportedly justifying such a burden. Finally, this Comment recommends revisions to the statute so that the legitimate state interests are more directly and narrowly achieved."

Plave, Erica Frohman.
The phenomenon of antique laws: can a State revive old abortion laws in a new era? George Washington law review, v. 58, Nov. 1989: 111-124.

Note contends that "many states today have abortion statutes on their books identical or similar to sister-state abortion statutes that have been held unconstitutional by the Supreme Court. Although these statutes are not actively enforced, the state legislatures have not repealed, amended, or abolished them. Because the Court's decision in Webster signals approval of greater restrictions on the right to abortion, some states may decide to enforce restrictive statutes or provisions as they currently exist on the books, without ascertaining the present intention of the state legislature--or the electorate--by requiring the legislature to reenact the restrictive statutes."

Plutzer, Eric. Ryan, Barbara.
Notifying husbands about an abortion: an empirical look at constitutional and policy dilemmas. Sociology and social research, v. 71, Apr. 1987: 183-189.

Reviews State legislation and cases concerning spousal notification by married women seeking abortions. Discusses "possible ideological motivations behind such efforts to restrict women's right to an abortion."

Pornography and its discontents. Society, v. 24, July-Aug. 1987: 6-32.

Contents.--Immoral, inviolate or inconclusive? by Larry Baron.--Is obscenity criminogenic?, by Augustine Brannigan.--Controlling ideas, by Heather Grant Florence.--Deception and propaganda, by Berl Kutchinsky.--Freedom to choose, by Beverly P. Lynch.--Testing freedom and restraint, by William Simon.--Repeating past mistakes, by Geoffrey R. Stone.

Prall, Susan.
State attempts to regulate abortion. Annal survey of American law, v. 1988, Feb. 1990: 385-427.

Article concludes that "it is unlikely that state courts will provide much protection for the abortion right. Although some state courts have used state constitutions in order to invalidate state funding prohibitions, these constitutions have questionable applicability to other types of abortion regulations. The recent tendency of state courts to intervene in pregnancies in order to save the fetus constitutes an even greater threat to the abortion right. Although not widespread, court-ordered caesarean sections, hospital detentions, and judicially mandated intrauterine transfusions have increased in number. Judicial acceptance of these procedures, which place fetal rights well above women's autonomy and privacy rights, will have grave consequences for the ability of women to choose an abortion."

Preserving the right to choose: how to cope with violence and disruption at abortion clinics. New York, Reproductive Freedom Project, ACLU, 1986. 52 p.

Quinn, John R.
Toward an understanding of the letter On the Pastoral Care of Homosexual Persons. America, v. 156, Feb. 7, 1987: 92-95, 116.

Archbishop of San Francisco defends the Oct. 1986 Vatican letter on homosexuality. "As an authentic teaching of the magisterium it does lay claim to internal and respectful assent, particularly in those matters that are doctrinal in character and witness to the constant teaching of the church."

Reidinger, Paul.
Will Roe v. Wade be overruled? American Bar Association journal, v. 74, July 1, 1988: 66-70.

Reviews the decisions of the Supreme Court on abortion and the right to privacy since Roe v. Wade. Argues that as the Court becomes more conservative the chances for these decisions to be overturned become greater.

Remnick, David.
Whose life is it, anyway? Washington post magazine, Feb. 21, 1988: 14-21, 40-41.

"There was something chilling about the case of A.C. Pregnant, dying of cancer, the woman known in our papers and news reports simply as A.C. was lying in a hospital bed last June, too sedated to consult clearly with her husand, parents and doctors on what to do about the 26-week-old fetus she was carrying. A court decided for her. Over objections of the family and A.C.'s obstetrician, a District of Columbia Superior Court judge ordered George Washington University Medical Center to deliver the baby by cesarean section. Even the mysterious initials A.C.--used at first for the sake of the woman's privacy--added a Kafkaesque quality to the story."

Reske, Henry.
Abortion revisited. American Bar Association journal, v. 75, May 1989: 60-64.
"On Jan. 9 the Court accepted for review a challenge to a wide-ranging Missouri anti-abortion law, while three other abortion cases are pending. The Bush Justice Department, following in the footsteps of the Reagan Justice Department, has asked the Court to use the Missouri case to reconsider and overturn Roe."

Rhoden, Nancy K.
Trimesters and technology: revamping Roe v. Wade. Yale law journal, v. 95, Mar. 1986: 639-697.
"Article will first analyze the justification for, and utility of, the first trimester/second trimester division. It will then consider the thornier problem of the expanding 'third trimester' and ask whether we should allow fetal viability, as commonly understood, to dictate the dimensions of the abortion right."

The Right to choose: a guide to the Presidential candidates on abortion rights. Washington, Voters for Choice, 1987. 38 p.
Sets forth the positions of 14 Democrats and 11 Republicans who are declared or considered prospective Presidential candidates in 1988. Includes addresses and telephone numbers of campaign offices and brief summaries of the two parties' prior platforms on abortion.

Robertson, John A.
Gestational burdens and fetal status: justifying Roe v. Wade. American journal of law & medicine, v. 13, no. 2-3, 1987: 189-212.
Article concludes that "despite defects in analysis, reflective judgment shows that Roe v. Wade's conclusions have firm moral and legal underpinnings. Notwithstanding the ferocity of opposition to Roe v. Wade, the choice it gives women is likely to endure. Roe v. Wade should continue to shape procreative policy and practice, while continuing to have the force of positive constitutional law."

Robinson, David, Jr.
Sodomy and the Supreme Court. Commentary, v. 82, Oct. 1986: 57-61.
Supports the Supreme Court decision in Bowers v. Hardwick which challenged Georgia's sodomy law. Contends that the decision is in the interest of both public health and democracy.

Robinson, Robert K. Franklin, Geralyn McClure. Allen, Billie M.
Watkins v. United States: new insights on the termination of employees for sexual orientation. Labor law journal, v. 40, Feb. 1989: 117-121.

Rodman, Hyman. Sarvis, Betty. Bonar, Joy Walker.
The abortion question. New York, Columbia University Press, 1987. 223 p.

Rossi, Alice S. Sitaraman, Bhavani.
Abortion in context: historical trends and future changes. Family planning perspectives, v. 20, Nov.-Dec. 1988: 273-281, 301.
"The antiabortion movement has succeeded only in imposing a temporary brake on a long-term historical trend toward increased public acceptance of abortion in early pregnancy as . . . a private matter in which the state should not interfere."

Rovner, Julie.
Hill faces trench warfare over abortion rights. Congressional Quarterly weekly report, v. 48, Aug. 25, 1990: 2713-2719.
Discusses the legislative strategy of abortion rights forces and the current political issues involving abortion.

Rubin, Eva R.
Abortion, politics, and the courts: Roe v. Wade and its aftermath. New York, Greenwood Press, 1987. 254 p. (Contributions in American studies, 0084-9227, no. 89)

Ryan, Maura A.

The argument for unlimited procreative liberty: a feminist critique. Hastings Center report, v. 20, July-Aug. 1990: 6-12.

"From a feminist perspective, unlimited procreative liberty risks treating children as property, distorts understanding of the family, and neglects moral concerns about how we reproduce."

Salholz, Eloise. McDaniel, Ann.

The battle over abortion. Newsweek, v. 113, May 1, 1989: 28-32.

"The Supreme Court confronts Roe v. Wade in a controversial case that could chip away at a right many American women have come to take for granted."

Samar, Vincent Joseph.

The right to privacy: gays, lesbians, and the Constitution. Philadelphia, Temple University Press, 1991. 254 p.

Schneider-Vogel, Merri.

Gay teachers in the classroom: a continuing constitutional debate. Journal of law & education, v. 15, summer 1986: 285-316.

"Article surveys possible constitutional challenges asserted by homosexual teachers who are faced with job terminations and suggests guidelines for administrators and board members who are contemplating such terminations."

Scott, Elizabeth S.

Sterilization of mentally retarded persons: reproductive rights and family privacy. Duke law journal, v. 1986, Nov. 1986: 806-865.

Article recommends that "the law's objectives are best met by leaving the sterilization decision to the retarded person who is competent to make her own reproductive choices, with only as much intervention as is necessary to facilitate her decisions. For retarded persons who cannot make their own decisions, parents--not courts--are the best surrogates."

Secrest, Sandra M.

Minors' rights to abortion--are parental notice and consent laws justified? University of Detroit law review, v. 65, 1989: 691-712.

Comment concludes that "a critical analysis reveals that a statute which required one-parent notice or consent with a judicial bypass in place would effectively serve the state interests without unduly burdening minors."

Segers, Mary C.

Semantics & style in an abortion campaign. Commonweal, v. 117, Jan. 12, 1990: 10-13.

"The New Jersey election experience suggests that 'respect-for-a-woman's-right-to-decide-free-from-government-interference' has the potential for evoking consensus on the issue as much as, if not more than, 'against-abortion-on-demand' stance. This is a new development in abortion politics. Moreover, the Star-Ledger/Eagleton poll data indicate that, at least in New Jersey, those who favor some restrictions on abortion are more likely to support a woman's right to decide than to support or vote for candidates who want to ban abortions completely. Finally, the New Jersey experience suggests that the common profile characterization of the opposition as 'radical feminists'--narrow, class-based, and extremist--is clearly erroneous and should be revised."

Sexual orientation and the law. Editors of the Harvard law review. Cambridge, Mass., Harvard University Press, 1990. 170 p.

Shapiro, Alexandra A. E.

Title X, the abortion debate, and the first amendment. Columbia law review, v. 90, Oct. 1990: 1737-1778.

Note concludes that "the government may not constitutionally attempt to restrict speech about abortion by attaching conditions to public funding. Title X grantees may not be coerced or bribed into waiving their rights to advocate abortion rights and provide neutral medical information about all pregnancy options, including abortion, since such coercion violates the first amendment. If a condition denies funding access to groups because of their private expressive activities, or chills such activities, it is unconstitutional."

Simmons, Paul D.
Dogma and discord: religious liberty and the abortion debate. Church & state, v. 43, Jan. 1990: 17-21.
Advocates that the making of public policy on abortion involves "what definition of fetal personhood is appropriate in and for a pluralistic society."

Slavin, Edward A., Jr.
What makes a marriage legal? Human rights, v. 18, spring 1991: 16-19.
"Here is the case for legitimatizing gay relationships."

Sloan, Irving J.
Homosexual conduct and the law. New York, Oceana Publications, 1987. 149 p. (Legal almanac series, no. 85)

Spero, Aryeh.
Therefore choose life: how the great faiths view abortion. Policy review, no. 48, spring 1989: 38-44.
Rabbi sets forth the historic positions of Judaism, Catholicism, Protestantism, Islam, and Hinduism and Buddhism on abortion. "With the prominent exception of Roman Catholicism, most of these religions have permitted abortion in a small number of circumstances. But for most of their history, the great religions have all strongly disapproved of abortion in the vast majority of circumstances in which it takes place today."

The Supreme Court, 1988 term. Harvard law review, v. 103, Nov. 1989: 40-401.
Comment reviews 27 leading cases in the areas of constitutional law, Federal jurisdiction and procedure, and Federal statutes and regulations, with 3 statistical tables (p. 394-401) appended. The foreword by Erwin Chemerinsky (p. 43-104) evaluates the Rehnquist Court's emerging jurisprudence; an article by Frances Olsen (p. 105-135) examines "the sexual politics underlying the abortion controversy" as background to the Webster decision.

Survey on the constitutional right to privacy in the context of homosexual activity. University of Miami law review, v. 40, Jan. 1986: 521-657
Partial contents.--The Supreme Court: evolution of the right to privacy.--Privacy: a search for a linch-pin.--Lower court opinions.--State interests in the prohibition of sodomy.

Symposium: law, community, and moral reasoning. California law review, v. 77, May 1989: 475-594.
Partial contents.--Moral argument and liberal toleration: abortion and homosexuality, by Michael J. Sandel.--Sandelian antiliberalism, by Michael S. Moore.--Tradition, the self, and substantive due process: a comment on Michael Sandel, by Robert Post.--Particular values and critical morality, by Jeremy Waldron.--A comment on Professor Waldron, by Hanna Pitkin.

Symposium: pornography. University of Michigan journal of law reform, v. 21, fall, 1987: 1-282.
Partial contents.--Introduction, by Lillian R. BeVier.--Pornography and obscenity sold in "adult bookstores": a survey of 5132 books, magazines, and films in four American cities, by Park Elliot Dietz and Alan E. Sears.--Methodological issues in the content analysis of pornography, by Daniel Linz and Edward Donnerstein.--Brief amici curiae of Feminist Anti-Censorship Taskforce, et al., in American Booksellers Association v. Hudnut, by Nan D. Hunter and Sylvia A. Law.

Symposium: sex, politics, & the law: lesbians & gay men take the offensive. New York University review of law & social change, v. 14, no. 4, 1986: 891-1016.
Partial contents.--Constitutional privacy and homosexual love, by David A. J. Richards.--Lesbian mothers, lesbian families: legal obstacles, legal challenges, by Nancy Polikoff.--Brief amicus curiae, Bowers v. Hardwick.--The use of the State constitutional right to privacy to defeat State sodomy laws, by Nan Feyler.--We are all part of one another: sodomy laws & morality on both sides of the Atlantic, by Lisa Bloom.

Terkel, Susan Neilburg.
Abortion: facing the issues. New York, Watts, 1988. 159 p. (An Impact book)

Examines the history, legal status, ethics, politics, and medical aspects of abortion and uses accounts of women who have had abortions to illuminate both sides of the issue.

Too close for comfort: protesting outside medical facilities. Harvard law review, v. 101, June 1988: 1856-1875.
"One city, faced with aggressive protest activity outside abortion clinics, devised a novel approach to balance the competing interests of speakers and unwilling listeners."

The Triumph of hope: a pro-life review of 1988 and a look to the future. Edited by Dave Andrusko. Washington, National Right to Life Committee, 1989. 233 p.

U.S. Attorney General's Commission on Pornography.
Final report. Washington, U.S. Dept. of Justice, 1986. 2 v.

U.S. Congress. Senate. Committee on Labor and Human Resources.
Freedom of Choice Act of 1989. Hearings, 101st Congress, 2nd session on S. 1912. Mar. 27-May 23, 1990. Washington, G.P.O., 1990. 282 p. (Hearings, Senate, 101st Congress, 2nd session, S. Hrg. 101-876)

Van Alstyne, William.
Closing the circle of constitutional review from Griswold v. Connecticut to Roe v. Wade: an outline of a decision merely overruling Roe. Duke law journal, v. 1989, Dec. 1989: 1677-1688.
Article concludes that "laws affecting abortion are not exempt from judicial review, as we have taken care to note. They are, nonetheless, to be worked out principally within the political process rather than in the courts. There is nothing remarkable that this should be so now, as it was even less than two decades ago. Not the least task the Court performs is to express no reservation about the political processes of this country when the Constitution itself expresses none."

Walker, Theresa M.
California's parental Consent Statute: a constitutional challenge. Hastings constitutional law quarterly, v. 40, Nov. 1988: 169-202.
"California's Parental Consent Statute requires unemancipated minor women to obtain the consent of one parent for an abortion, but provides a judicial bypass alternative for mature minors or those whose best interests are served by a confidential abortion . . . . This Note argues that the statute cannot withstand the stricter scrutiny of California constitutional law. The Note finds the statute vulnerable to California constitutional attack under two theories."

Wardle, Lynn D.
"Time enough: Webster v. Reproductive Health Services and the prudent pace of justice. Florida law review, v. 41, fall 1989: 881-986.
Article finds that the Supreme Court "adopted a conservative approach to changing the abortion privacy doctrine . . . [which] reveals a new vision of the process of constitutional adjudication; a preference for the gradual development of constitutional doctrine; and a prudent, case-oriented method of analysis in lieu of an abrupt and sweeping jurisprudential approach."

Webster v. Reproductive Health Services: colloquy. University of Pennsylvania law review, v. 138, Nov. 1989: 83-223.
Contents.--Abortion and the Supreme Court: the retreat from Roe v. Wade, by Walter Dellinger and Gene B. Sperling.--Abortion politics: writing for an audience of one, by Susan R. Estrich and Kathleen M. Sullivan.--What does Webster mean, by James Bopp, Jr. and Richard E. Coleson.--From driving to drugs: governmental regulation of pregnant women's lives after Webster, by Dawn Johnson.--The end of the abortion debate, by Leonard A. Cole.

Wertz, Dorothy C. Fletcher, John C.
Fatal knowledge? Prenatal diagnosis and sex selection. Hastings Center report, v. 19, May-June 1989: 21-27.
"Moral and social arguments weigh heavily against performing medical procedures solely for purposes of sex selection. The medical profession has a responsibility to abandon its posture of ethical neutrality and take a firm stand now against sex selection."

Widkenden, Dorothy.
Drug of choice: the side effects of RU 486. New republic, v. 203, Nov. 26, 1990: 24-27.
"RU 486, like abortion itself, isn't going to go away--regardless of the restrictions that are placed on it. As more countries begin using the drug, demand for it here will increase."

Wohl, Alexander.
The abortion cases. American Bar Association journal, v. 76, Feb. 1990: 68-71.
"The curtain parts: the post-Webster era begins. Abortion is center stage--still--and the U.S. Supreme Court will have a chance [this term] to explain what it started to say about the issue last term."

Wrongful birth actions: the case against legislative curtailment. Harvard law journal, v. 100, June 1987: 2017-2034.
Comment "describes the development of the wrongful birth cause of action, argues that statutes prohibiting wrongful birth actions violate the due process clause because they infringe parental rights to make autonomous, informed procreative decisions and do not further a compelling state interest, [and] asserts that wrongful birth statutes also violate the equal protection clause because they draw classifications that burden a fundamental interest and cannot withstand strict scrutiny."

Wymelenberg, Suzanne.
Science and babies: private decisions, public dilemmas. Washington, National Academy Press, 1990. 174 p.

Zampa, David J.
The Supreme Court's abortion jurisprudence: will the Supreme Court pass the "albatross" back to the States? Notre Dame law review, v. 65, no. 4, 1990: 731-780.
Article "concludes that the Court can most effectively relieve the conflict between itself and state legislatures by adopting Justice O'Connor's 'unduly burdensome' standard. This standard abandons the per se strict scrutiny, which the Court applied in the past, while maintaining constitutional support for the women's right identified in Roe."

IV. MEDICAL

Abramson, Marcia.
Keeping secrets: social workers and AIDS. Journal of the National Association of Social Workers, v. 35, Mar. 1990: 169-173.

Stresses that the AIDS epidemic poses major ethical issues for social workers. "To begin to examine the most relevant and salient moral problems that social workers experience in their practices, 16 social workers were interviewed. The dominant moral theme that was identified was secrecy. The theme of secrecy is analyzed according to four dimensions: (1) ethical, (2) technical, (3) behavioral, and (4) existential."

AIDS. St. Paul, Greenhaven Press, 1988. 223 p. (Opposing viewpoints series)

"The purpose of the Opposing Viewpoints books, and this book in particular, is to present balanced, and often difficult to find, opposing points of view on complex and sensitive issues." The five issues debated are under the headings: "How serious is AIDS?--How can AIDS be controlled?--Will controlling AIDS undermine civil rights?--Is the government's response to AIDS adequate?--and, How will AIDS affect society?"

AIDS: a time of testing. U.S. news & world report, v. 102, Apr. 20, 1987: 56-59, 61-62, 64-65.

Contains a Roper Organization poll showing strong public support for massive AIDS testing.

AIDS legislative issues. Washington, Democratic Study Group, 1987. 30 p. (DSG special report no. 100-18)

"The growing AIDS epidemic, which has already claimed the lives of some 25,000 Americans, confronts Congress with a number of issues. They include funding for research and prevention programs, protection against discrimination for AIDS victims, the scope of mandatory testing, and how to meet the costs of treatment."

AIDS: public health and civil liberties. Hastings Center report, v. 16, Dec. 1986: 1-36.

Contents.--Introduction, by Carol Levine.--The constitutional balance between health and liberty, by Deborah Jones Merritt.--From TB to AIDS: value conflicts in reporting disease, by Daniel M. Fox.--Predicting dangerousness and the public health response to AIDS, by Ruth Macklin.--The limits of compulsion in controlling AIDS, by Larry Gostin and William J. Curran.--Morality and the health of the body politic, by Dan E. Beauchamp.

AMA stand on feeding tubes rapped, praised. Medical world news, v. 27, Apr. 28, 1986: 28-29, 32.

Discusses the responses to the AMA Council on Ethical and Judicial Affairs' statement that "it's 'not unethical to discontinue all means of life-prolonging medical treatment, [including] medication and artificially or technologically supplied respiration, nutrition, or hydration' in cases of irreversible coma, 'even if death is not imminent.'"

Anderson, John A. Kramer, Kenneth J. Shambley, Kimberly A.
AIDS issues in the military. Air Force law review, v. 32, 1990: 353-375.

"This article initially provides medical information on the AIDS process and briefly outlines development of Air Force policy covering the disease. Then military justice actions will be discussed before turning to the issues of use and confidentiality of information concerning AIDS."

Annas, George J.
At law. Hastings Center report, v. 16, Feb. 1986: 26-32; Apr. 1986: 24-25.

Contents.--Do feeding tubes have more rights than patients? [Feb. column].--Why food and fluids can never be denied, by Patrick Derr [court-appointed attorney for Paul Brophy].--When burdens of feeding outweigh benefits, by John Paris [expert witness for the Brophy family].--Elizabeth Bouvia: whose space is this anyway? [Apr. column].

Nancy Cruzan and the right to die. New England journal of medicine, v. 323, Sept. 6, 1990: 670-673.

"The Cruzan decision virtually casts in stone the post-Reagan Court's general view that although citizens have personal constitutional rights, the states can restrict them as long as the restriction furthers a legitimate state's interest in protecting the lives of incompetent patients who do not have loving families, even though Cruzan admittedly has a loving family."

Antoline, Michael L.

Protection for the right to forego life-prolonging medical treatment in Minnesota: an analysis of case law and proposed legislation. Hamline journal of public law and policy, v. 9, spring 1988: 71-115.

This Comment assesses the technologies used to artificially sustain patients and analyzes selected portions of "living will" laws across the country in light of proposed legislation in Minnesota.

Appelbaum, Paul S. Klein, Joel.

Therefore choose death? Commentary, v. 81, Apr. 1986: 23-29.

"Endorsed by liberals and libertarians alike, autonomy has been promoted by the courts as the predominant value in medical decision-making, with important effects on the willingness-of physicians to treat the seriously ill. But [these] legal notions . . . [were linked to] some physicians' and bioethicists' [position] that there is a minimum quality of life below which life itself is not worth living."

Armstrong, Paul W.

Defining sacred bonds. Commonweal, v. 113, Nov. 21, 1986: 620-622.

Interview in which Mr. Armstrong, an attorney identified closely with the Karen Ann Quinlan case of 1976, discusses the Catholic Church, medical ethics, and the courts.

Association of State and Territorial Health Officials (U.S.)

Guide to public health practice: AIDS confidentiality and antidiscrimination principles. Washington, Public Health Foundation [1988] 32 p. (Publication/Public Health Foundation, no. 105)

Baker, Constance H. Arthur, Megan M.

AIDS in the hospital workplace: theories of hospital liability. Tort & insurance law journal, v. 24, fall 1988: 1-17.

"This article will address several areas of potential hospital liability, including the following (1) liability arising out of patient care matters, such as admission and discharge policies regarding AIDS patients and the appropriate standard of care with respect to HIV testing, blood transfusions and general medical services; (2) issues of confidentiality and the duty, if any, to warn any third parties about a patient's AIDS diagnosis or a positive HIV test result; (3) the obligation to adequately protect health care workers from HIV infection under the Occupational Safety and Health Act; (4) medical staff privilege issues arising out of a physician who is HIV positive or who has AIDS; and (5) the financial impact of AIDS on hospitals."

Bamberger, David H.

Mercy Hospital, Inc. v. Jackson: a recurring dilemma for health care providers in the treatment of Jehovah's Witnesses. Maryland law review, v. 46, spring 1987: 514-532.

Article discusses a patient's common-law & constitutional rights to refuse medical treatment, stating that a patients rights to free exercise of religion and to privacy must be balanced against the interests of the State. Finds fault with the Maryland courts in the Jackson case for apparently failing to consider the State's interest in preserving the integrity of medical practice.

Bayer, Ronald

AIDS: the politics of prevention and neglect. Health affairs, v. 10, spring 1991: 87-97.

"Recent clinical developments are critical to an understanding of the evolving political debates about AIDS and public health. While it is still too soon to speak of AIDS itself as a chronic disease, HIV infection will increasingly require the long-term clinical management associated with such conditions. As a consequence, identifying those who are infected has become even more crucial. No longer is the question before public health officials solely a matter of preventing infection. Increasingly, providing the million or more infected Americans with appropriate clinical supervision has become a higher priority. Within this changed context, screening, reporting, and partner notification--issues that figured so prominently in the early controversies over AIDS prevention--have provoked fresh debates about the appropriate role of the state."

Private acts, social consequences: AIDS and the politics of public health. New Brunswick, N.J., Rutgers University Press, 1991. 302 p.

Partial contents.--Sex and the bathhouses: the politics of privacy.--Blood, privacy, and stigma: the politics of safety.--Testing, reporting, and notifying: the politics of identification.--Compulsory screening: the politics of exclusion.

Bayer, Ronald. Levine, Carol. Wolf, Susan M.

HIV antibody screening: an ethical framework for evaluating proposed programs. JAMA [Journal of the American Medical Association], v. 256, Oct. 3, 1986: 1768-1774.

"The acquired immunodeficiency syndrome (AIDS) poses a compelling ethical challenge to medicine, science, public health, the legal system, and our political democracy. This report focuses on one aspect of that challenge: the use of blood tests to identify individuals who have been infected with the retrovirus human immunodeficiency virus (HIV) . . . . The issue is also complex: at stake is a potential conflict between the community's interests in stopping the spread of a devastating disease and in preserving important values of individual liberty and equal rights."

Bedward, Royce Richard.

AIDS testing of rape suspects: have the rights of the accused met their match? University of Illinois law review, v. 1990, no. 2, 1990: 347-374.

"This note begins with an overview of the current state of knowledge on AIDS and a discussion of the drug AZT. It then discusses the current statutes allowing the HIV testing of rape suspects. Part III analyzes the statutes, and the entire concept of compelled testing of criminal suspects, in light of probable constitutional challenges on fourth amendment, equal protection, due process, right to privacy, and first amendment grounds . . . . Finally, this note proposes model legislation that affords the rape suspects greater rights than the mandatory testing statutes currently in existence."

Bell, Cynthia J.

Adoptive pregnancy: legal and social work issues. Child welfare, v. 65, Sept.-Oct. 1986: 421-436.

Argues "that adoptive pregnancy and the other 'new reproduction' will follow the policy evolution of traditional adoption with regard to preserving important medical and genetic history and ensuring that the adoptive child and family will have access to such information when needed."

Biomedical decision making: the blessings and curses of modern technology. Christianity today, v. 30, Mar. 21, 1986: 1I-16I.

Contents.--Biomedical decision making: the blessings and curses of modern technology, by Paul Brand and others.--Biomedical decision making: we dare not retreat, by Kenneth S. Kantzer.

Blendon, Robert J. Donelan, Karen.

Discrimination against people with AIDS: the public's perspective. New England journal of medicine, v. 319, Oct. 13, 1988: 1022-1026.

Reviews 53 national and international opinion surveys on AIDS to assess public attitudes toward those who have AIDS or asymptomatic HIV infection. Findings show that "most Americans see the AIDS epidemic as leading to increased discrimination against those with the virus or active diseases" while "most Americans see the control of AIDS as requiring some loss of individual privacy and possible restrictions on civil rights."

Brandt, Edward N., Jr.
Some public health policies arising from AIDS. AIDS & public policy, v. 3, no. 3, 1988: 1-3.
Concludes that there are five major policy issues that society must face in the AIDS crisis: "these are research, testing, education, health care, and confidentiality and discrimination."

Bruce, Jo Anne Czecowski.
Privacy and confidentiality of health care information. Chicago, American Hospital Pub., 1988. 209 p.

Burleigh, Nina.
The right to die. American Bar Association journal, v. 74, July 1, 1988: 72-75.
"The New York-based Society for the Right to Die is a not-for-profit legal assistance group that helps families on patient-rights issues. Society attorney Fenella Rouse decries the fact that certain issues, such as the definition of artificial feeding, are still being litigated."

Cantor, Norman L.
Legal frontiers of death and dying. Bloomington, Indiana University Press, 1987. 208 p.

Carlova, John.
A tough new legal shield for patient records. Medical economics, v. 63, July 28, 1986: 92, 94-96.
Highlights "how two Sacramento physicians took on California's powerful Board of Medical Quality Assurance. Backed by colleagues, they engaged the policing agency in a five-year battle for the privacy of their patients."

Colen, B. D.
The essential guide to a living will: how to protect your right to refuse medical treatment. New York, Prentice Hall Press, 1991. 145 p.

Colosi, Marco Leo.
AIDS: human rights versus the duty to provide a safe workplace. Labor law journal, v. 39, Oct. 1988: 677-687.
Reviews the Centers for Disease Control guidelines on AIDS in the workplace and how these guidelines affect health care workers. "For hospitals, AIDS raises direct conflicts between different obligations imposed upon the hospital, for example, the requirement of maintaining the confidentiality of patient medical records versus the employees' right to know of workplace health risks and hazards."

Confidentiality versus the duty to protect: foreseeable harm in the practice of psychiatry. Edited by James C. Beck. Washington, American Psychiatric Press, 1990. 212 p. (Issues in psychiatry)

Connor, Steve. Kingman, Sharon.
The trouble with testing. New scientist, v. 117, Jan. 28, 1988: 60-63.
"Ethical problems stand in the way of predicting the future of the AIDS epidemic by anonymous screening of blood samples. Other crucial information that could help is also lacking."

Cotton, Paul.
Confidentiality: a sacred trust under siege. Medical world news, v. 30, Mar. 27, 1989: 55-60.
"Employers, insurers, and utilization reviewers are all gaining wider access to medical records--and to more detailed information within those documents."

Patient confidentiality: peeking inside Pandora's box? Medical world news, v. 27, Oct. 13, 1986: 62-64, 67-68, 70, 75-77.
Fears that "insurers and employers are standing in line to peek into traditionally private medical records as diagnostic capabilities threaten to tell more and more." Discusses the right to privacy of medical records.

The Court & Nancy Cruzan. Hastings Center report, v. 20, Jan.-Feb. 1990: 38-50.
Contents.--Nancy Beth Cruzan: in no voice at all, by Susan M. Wolf.--Choosing death for Nancy Cruzan, by James Bopp, Jr.--The calculus of consent, by Giles Scofield.--Can others exercise an incapacitated patient's right to die? by Ira Mark Ellman.

Cruzan: clear and convincing? Hastings Center report, v. 20, Sept.-Oct. 1990: 5-11.
Contents.--Missouri stands alone, by William H. Colby.--How can they? by Pete Busatacchi.--On taking substituted judgment seriously, by Charles Barn.--Cruzan: no rights violated, by John A. Robertson.--A hostage to technology, by Ronald E. Cranford.--Cruzan and caring for others, by Joanne Lynn and Jacqueline Glover.

Death and dying: opposing viewpoints. Edited by Janelle Rohr. St. Paul, Greenhaven Press, 1987. 215 p. (Opposing viewpoints series)
Partial contents.--How should one cope with death?--How can suicide be prevented?--Is infant euthanasia ever justified?--Should euthanasia be allowed?--Do the dying need alternative care?

Dickens, Bernard M.
Legal rights and duties in the AIDS epidemic. Science, v. 239, Feb. 5, 1988: 580-586.
"Provides an overview of some major areas of legal concern in which the AIDS epidemic is having an impact. The rights of infected individuals to testing, treatment, and confidentiality are reviewed . . . . Infected persons' duties to contain transmission of AIDS are outlined under principles of criminal and civil law . . . . Uninfected people's general rights to protection are considered, and health professionals; and authorities' rights and duties are given more detailed attention."

Eisenstat, Steven.
An analysis of the rationality of mandatory testing for the HIV antibody: balancing the governmental public health interests with the individual's privacy interest. University of Pittsburgh law review, v. 52, winter 1991: 327-382.
"The Article will focus on two forms of HIV testing: the testing of individuals based on their status, such as high risk group members, hospital patients and health care workers; and the testing of individuals who have allegedly exposed other persons, such as police officers, medical personnel, and rape victims, to their bodily fluids."

Euthanasia: opposing viewpoints. Neal Bernards, book editor. San Diego, Calif., Greenhaven Press, 1989. 235 p. (Opposing viewpoints series)

Felthous, Alan R.
The psychotherapist's duty to warn or protect. Springfield, Ill., C.C. Thomas, 1989. 178 p. (American series in behavioral science and law)

Freedman, Benjamin.
An analysis of some social issues related to HIV disease from the perspective of Jewish law and values. AIDS & public policy journal, v. 5, summer 1990: 137-141.
Examines "the relationship between ethics, sin, and illness, raising issues of biblical ethics; 2) confidentiality and privacy issues and the problems associated with the unfamiliarity of the rabbinic ordering of values; and 3) the duty to care for the sick and dying, expressed in Talmudic literature through concrete ancedotes requiring abstract extrapolation."

Garriss, Jay V.
Civil rights or civil wrongs: the AIDS controversy. Chesapeake, Va., National Perspectives Institute, 1986. 38 p.
Contends that "at present, civil health policies are working to prevent public hysteria and defend 'gay rights' instead of protecting the uninfected population from the AIDS virus."

Gest, Ted.
Is there a right to die? U.S. news & world report, v. 107, Dec. 11, 1989: 35-37.
Discusses previous right-to-die court cases setting the scene for the Supreme Court's consideration of Nancy Cruzan's case.

Goldberg, Charlotte K.

Choosing life after death: respecting religious beliefs and moral convictions in near death decisions. Syracuse law review, v. 39, no. 4, 1988: 1197-1260.

"This Article presents the argument that . . . if an individual's moral convictions or religious beliefs dictate that she should continue living beyond society's definition of death, that preference should be respected. An individual has the right to continue treatment even after brain death. The right of personal choice extends until traditional criteria of death, cessation of heartbeat and respiration, are met. Alternatively, the right of personal choice continues after legal death in the form of a right to direct the disposition of one's own body after death . . . . The right to choose to continue treatment after a brain death determination would prevail despite countervailing state interests."

Gostin, Larry. Curran, William J.

AIDS screening, confidentiality, and the duty to warn. American journal of public health, v. 77, Mar. 1987: 361-365.

The authors "oppose mandatory screening for antibodies to the human immunodeficiency virus (HIV) because it is unlikely to lead to changes in behavior necessary to impede the spread of AIDS, and because of the potential for invasion of privacy and discrimination." They "support existing guidelines by the US Centers for Disease Control for testing among all members of groups vulnerable to HIV infection with their informed consent."

Gostin, Larry. Porter, Lane. Sandomire, Hazel.

AIDS litigation project. Washington, Public Health Service, 1990. 2 v.

Report presented in two volumes. Objective Description of Trends in AIDS Ligitation "describes the methodology used to collect case materials and the criteria used to select cases for inclusion. The rest of the volume summarizes trends in litigation across the country." A National Survey of Federal, State, and Local Cases Before Courts and Human Rights Commissions "includes the description of methodology, a subject matter outline, a discussion of how the cases have been organized, and the actual case summaries."

Gostin, Lawrence O.

The AIDS litigation project: a national review of court and Human Rights Commission decisions, parts I and II. JAMA [Journal of the American Medical Association], v. 263, Apr. 11, 1990: 1961-1970; Apr. 18: 2086-3043.

Contents.--Part I: The social impact of AIDS.--Part II: Discrimination. These articles review 469 cases related to AIDS that are decided, settled, pending, or filed at the Federal, State, and local levels.

HIV-infected physicians and the practice of seriously invasive procedures. Hastings Center report, v. 19, Jan.-Feb. 1989: 32-39.

Calls for the protection of HIV positive physicians from discrimination by their employers and others. Warns that the medical profession must identify circumstances where an infected physician should withdraw from performing certain seriously invasive procedures.

Gostin, Lawrence O. Curran, William J. Clark, Mary E.

The case against compulsory casefinding in controlling AIDS--testing, screening and reporting. American journal of law & medicine, v. 12, no. 1, 1987: 7-53.

"The fairness and accuracy of compulsory screening programs depend upon the reliability of medical technology and the balancing of public health and individual confidentiality interests. This Article proposes criteria for evaluating compulsory testing and screening programs. It concludes that voluntary identification, education, and counseling of infected persons is the most effective means of encouraging the behavioral changes that are necessary to halt the spread of AIDS."

Gunderson, Martin. Mayo, David J. Rhame, Frank S.

AIDS: testing and privacy. Salt Lake City, University of Utah Press, 1989. 241 p.

Harty-Golder, Barbara Jean.

The educators guide to AIDS: law, medicine, and policy. Asheville, N.C., College Administration Publications, 1990. 125 p. (Higher education administration series)

The Harvard model AIDS legislation project. American journal of law & medicine, v. 16, no. 1-2, 1990: whole issue (278 p.)

Contents.--A decade of a maturing epidemic: an assessment and directions for future public policy, by Larry Gostin.--Testing for AIDS: uses and abuses, by Martha A. Field.--AIDS prevention: legislative options, by Mary E. Clark.--Medical privacy issues in the age of AIDS: legislative options, by Harold Edgar and Hazel Sandomire.--Financing health care for persons with HIV infection: guidelines for State action.--Ethics and AIDS: a summary of the law and a critical analysis of the individual physician's ethical duty to treat.--Selected recent court decisions.--Selected book releases.

Harvey, John Collins. Quinn, Kevin P. Johnson, Sandra H.
When should the State step aside? Commonweal, v. 117, May 4, 1990: 286-294.

Contents.--A landmark case?, by John Collins Harvey.--The bishops misstep, by Kevin P. Quinn.--The state as parent, by Sandra H. Johnson.

Hilton, Bruce.
First, do no harm: wrestling with the new medicine's life & death dilemmas. Nashville, Abingdon Press, 1991. 160 p.

Hunt, Morton.
The total gene screen. New York times magazine, Jan. 19, 1986: 33, 38, 50, 52, 55-57, 59-61.

Genetic screening is opposed "by unions, women's groups, civil liberties groups and others who see it as anti-egalitarian, anti-labor, racist, invasive of privacy and, in general, a grave threat to democratic ideals."

The Impact of routine HTLV-III antibody testing of blood and plasma donors on public health. JAMA [Journal of the American Medical Association], v. 256, Oct. 3, 1986: 1778-1783.

This consensus conference brought together "biomedical investigators, blood bank specialists, clinicians, consumers, and representatives of public interest groups." Concludes "a policy of protection of the individual donor's privacy should be vigorously pursued; however, blood banks must be responsible for properly informing the individual and arranging for counseling. Much needs to be learned about the short- and long-term psychosocial adjustment problems of healthy people who are told they have an infection that may prove life threatening."

Kapp, Marshall B. Fortess, Eric E.
Screening for AIDS: legal and ethical issues. New England journal of human services, v. 6, no. 4, 1986: 19-23.

"This article is about the testing of donated blood for AIDS virus antibodies, and thus by definition it addresses a number of these issues through its analysis of (1) potential liability for failure to detect the antibodies, (2) the implications of informed consent, (3) concerns about confidentiality, (4) the disclosure of test results to the blood donor, and (5) the financial responsibility for an adequate and just screening program."

Katz, Sandor.
HIV testing--a phony cure. Nation, v. 250, May 28, 1990: 738-741.

Claims that mandatory name reporting of people who test positive for HIV is counterproductive, driving away people most at risk. Cites a University of South Carolina study that "charted changes in HIV testing patterns after South Carolina repealed anonymous testing in 1986 and established mandatory name reporting. The number of gay men tested dropped by 51 percent. While the total number of people tested increased slightly, the overall rate of seropositivity among those being tested decreased by 43 percent. The study demonstrates that ending anonymous testing and requiring the reporting of names serves to scare away from diagnostic information and health care those people at greatest risk."

Keyes, Gordon G.

Health-care professionals with AIDS: the risk of transmission balanced against the interests of professionals and institutions. Journal of college and university law, v. 16, spring 1990: 598-621.

"This Article examines the problems caused by faculty and students with AIDS and the rights of HIV-positive students and faculty under the Rehabilitation Act of 1973 . . . . This Article also considers equal protection concerns under the fourteenth amendment to the United States Constitution."

Khajezadeh, Dina.

Patient confidentiality statutes in Medicare & Medicaid fraud investigations. American journal of law & medicine, v. 13, no. 1, 1987: 105-137.

"The Medicare and Medicaid programs have been burdened with health care providers' fraudulent and abusive practices since their implementation in 1965. To help states discover and prevent Medicare and Medicaid fraud, Congress has enacted statutes permitting access to patients' medical records in investigations of fraud. The majority of states have enacted physician-patient and psychotherapist-patient privilege statutes to protect confidential information from disclosure. Thus, the state's need for patient information conflicts with the patient's right of privacy. This Note discusses several court decisions that have wrestled with the tension between these two policies."

Knapp, Samuel. VandeCreek, Leon.

Privileged communications in the mental health professions. New York, Van Nostrand Reinhold, 1987. 200 p.

Kolata, Gina.

Genetic screening raises questions for employers and insurers. Research news, v. 232, Apr. 18, 1986: 317-319.

"As genetic tests to detect susceptibility to diseases are developed, policy-makers will have to decide how these tests are to be used, and by whom."

Kutner, Luis.

The living will: the epitome of human dignity in coping with the historical event of death. University of Detroit law review, v. 64, summer 1987: 661-686.

Article contends that "the rapid advance of life-prolonging technology has perfected devices that artificially prolong the technical living state of an individual and has blurred the traditional meanings of life and death. The dying patient is gradually stripped of his or her former character. The individual patient becomes an object. The patient who is subject to intense pain may not be aware of his or her deterioration. The Living Will is intended to resolve the bioethical problems posed by the advancements of medical science."

Lamport, Ann T.

The genetics of secrecy in adoption, artificial insemination, and in vitro fertilization. American journal of law & medicine, v. 14, no. 1, 1988: 109-124.

"In light of the significant role that heredity plays in many disease processes, statutes requiring strict secrecy with regard to medical records in cases of adoption, artificial insemination and in vitro fertilization should be reassessed . . . . This Note discusses the need for better access to and availability of medical records. The Note proposes a Uniform Act and suggests that, at a minimum, it include a scheme for regulating the donation of genetic material, strong record-keeping requirements with respect to family histories and pedigrees, and finally, an open access provision for certain information for both children and parents."

Landers, Robert K.

AIDS dilemmas. Washington, Congressional Quarterly, 1987. 578-587 p. (Editorial research reports, 1987, v. 2, no. 17)

Because AIDS "in the United States has infected mostly male homosexuals and intravenous drug users, their sexual partners and their babies, it has obliged physicians, nurses and other health-care workers, and public health officials to cope with a host of dilemmas: How to alert the public to the real danger, without encouraging irrational fears and perhaps a backlash of repression. How to persuade homosexuals, who are fearful of discrimination, to come forward and be tested and counseled. How to reach drug addicts, prostitutes and others living in an urban underworld beyond the law, and somehow get them to change their intimate behavior. And to balance respect for the civil liberties of sick Americans against the need to protect and promote the public health."

Right to die: medical, legal & moral issues. Washington, Congressional Quarterly, 1990. 553-567 p. (Editorial research reports, v. 1, no. 36)

Larson, Ed. Spring, Beth.

Life-defying acts. Christianity today, v. 31, Mar. 6, 1987: 17-22.

Probes some of the various opinions regarding the debate over medical treatment and its termination. Sidebar articles by Surgeon General C. Everett Kopp and by Edith Shaffer are also included.

Levine, Matthew L.

Contact tracing for HIV infection: a plea for privacy. Columbia human rights law review, v. 20, fall 1988: 157-201.

"This Note will address some of the primary legal and practical considerations in the design and implementation of contact notification procedures. Special emphasis will be given to the urgent need for confidentiality. Collection of sensitive information creates a demand for its use, and its dissemination on a limited basis to protect third parties (such as the sexual contacts of HIV-infected individuals) invites abuse and accidental disclosures. These disclosures carry serious implications for one's right to privacy. Yet the public's right to protection from communicable disease demands an effective response from government and health care providers."

Levy, Susan J.

The constitutional implications of mandatory testing for acquired immunodeficiency syndrome--AIDS. Emory law journal, v. 37, winter 1988: 217-248.

"This Comment is a response to the ever increasing calls for mandatory blood testing for the AIDS virus. The question is not so much whether the government can test, but instead, what constitutional barriers the government must overcome in order to institute a testing program. Americans cherish individual privacy. Consequently, the courts have recognized that right and protected it from arbitrary governmental intrusions."

Living wills: preventing suffering or a deadly contract? State government news, v. 31, Dec. 1988: 14-15.

Contents.--Pro, by Alice Mehling.--Con, by Rita Marker.

Living with AIDS: part II. Daedalus, summer 1989: whole issue (254 p.)

Partial contents.--Prospects for the medical control of the AIDS epidemic, by William A. Haseltine.--AIDS, privacy, and responsibility, by Ronald Bayer.--Public health and the politics of AIDS prevention, by June E. Osborne.--AIDS in Africa: diversity in the global pandemic, by Barbara O. DeZalduondo, Gernard Iddi Msamanga, and Lincoln C. Chen.--AIDS in blackface, by Harlon L. Dalton.

MacDonald, Paul H.

AIDS, rape, and the fourth amendment: schemes for mandatory AIDS testing of sex offenders. Vanderbilt law review, v. 43, Oct. 1990: 1607-1636.

"This Note examines the issues surrounding mandatory AIDS screening of sex offenders and some of the contrasting approaches to the problem with an emphasis on the legislative reactions to the controversy in New York and California."

Marzen, Thomas J.

The "Uniform Rights of the Terminally Ill Act": a critical analysis. Issues in law & medicine, v. 1, May 1986: 441-475.

Article reviews the National Conference of Commissioners on Uniform State Laws' approved model law concerning "living will" laws and rights of terminally ill patients.

Mayo, Thomas Wm.

Constitutionalizing the "right to die." Maryland law review, v. 49, no. 1, 1990: 103-155.

Article concludes that the Supreme Court must decide, in the case of Cruzan v. Director, Missouri Department of Health, "whether the state courts should remain free to disagree [in right-to-die cases], or whether the Supreme Court should begin to mark certain positions out-of-bounds under the fourteenth amendment." The author advises the Supreme Court that "it is not yet time for the Court to fix the terms of the debate over non-treatment decisions for PVS [persistent vegetative state] patients."

McClung, John A. Kamer, Russell S.
Legislating ethics: implications of New York's do-not-resuscitate law. New England journal of medicine, v. 323, July 26, 1990: 270-272.
"In 1987 New York became the first state to enact legislation governing the withholding of cardiopulmonary resuscitation (CPR) . . . . Although there are no data to suggest that it has had a negative effect on patient care, the clinical evidence that a nearly identical outcome can be achieved by policies generated at the institutional level suggests that the law's specifics are redundant, inefficient, and unnecessary."

Medical decision making for the demented and dying. Milibank Memorial Fund quarterly, v. 64, suppl. no. 2, 1986: whole issue (202 p.)
Partial contents.--Autonomy and the demented self, by Ronald Dworkin.--Deciding for others, by Allen Buchanan and Dan Brock.--The right of elderly patients to refuse life-sustaining treatment, by George Annas and Leonard Glantz.--Legal perceptions and medical decision making, by Marshall Kapp and Bernard Lo.

Medical issues. America, v. 155, Nov. 22, 1986: 316-327, 331-332.
Contents.--What choice did we have?, by Robert P. Heaney.--The A.M.A. statement on tube feeding: an ethical analysis, by Kevin O'Rourke.--Should Paul Brophy have been allowed to die?, by Robert F. Drinan.--Presumed consent for organ donation, by Kevin O'Rourke and Philip J. Boyle.

Meisel, Alan.
The right to die. New York, Wiley, 1989. 573 p.

Merritt, Tracy L.
Equality for the elderly incompetent: a proposal for dignified death. Stanford law review, v. 39, Feb. 1987: 689-736.
"In the vast majority of American jurisdictions, the right to refuse life-sustaining medical treatment is restricted to competent individuals or incompetent terminally ill patients who are brain dead, comatose, or chronically vegetative. Under due process and equal protection principles, the right should be extended to dying elderly patients who retain a minimal level of conscious activity. The patient's right to privacy and bodily self-determination outweigh the asserted state interests in preserving the sanctity of life, preventing suicide, shielding the integrity of the medical profession, protecting third parties, and safeguarding the interests of legal incompetents."

Meucci, Sandra.
Death-making in the human services. Social policy, v. 18, winter 1988: 17-20.
Compares the social psychology favoring euthanasia with that leading to genocide in Nazi Germany.

Miller, Tracy. Cugliari, Anna Maria.
Withdrawing and withholding treatment: policies in long-term care facilities. Gerontologist, v. 30, Aug. 1990: 462-468.
"The Task Force on Life and the Law conducted a survey of nursing homes in New York State in 1986 and 1988. The survey examined the existence of policies on decisions about life-sustaining treatment, the process to determine which residents have decision-making capacity, the prevalence of ethics committees or other vehicles to resolve disputes, and policies on advance directives such as living wills and durable powers of attorney. Comparison of responses in 1986 and 1988 shows an increase in the number of facilities that have established explicit policies and institutional vehicles to address the dilemmas associated with decisions to withdraw or withhold life-sustaining treatment."

Mishkin, Barbara.
A matter of choice: planning ahead for health care decisions; an information paper prepared for use by the Special Committee on Aging, United States Senate. Washington, G.P.O., 1987. 93 p. (Print, Senate, 99th Congress, 2nd session, committee print S. Prt. 99-211)
"Serial no. 99-M"

Moody, David Kennon.
AIDS and rape: the constitutional dimensions of mandatory testing of sex offenders. Cornell law review, v. 76, Nov. 1990: 238-267.
"This Note examines the constitutionality of the California and New York statutes by considering whether a mandatory test for AIDS is reasonable in light of the fourth

amendment, and whether disclosure of AIDS test results violates the accused's right to privacy."

Mooney, Carol Ann.
Deciding not to resuscitate hospital patients: medical and legal perspectives. University of Illinois law review, v. 1986, no. 4, 1987: 1025-1118.
"This article suggests a framework for determining who should decide not to resuscitate, and what factors the decision maker should consider."

Morrissey, James M. Hofmann, Adele D. Thrope, Jeffrey C.
Consent and confidentiality in the health care of children and adolescents: a legal guide. New York, Collier Macmillan, 1986. 273 p.

Morter, Christopher S.
The Health Care Quality Improvement Act of 1986: will physicians find peer review more inviting? Virginia law review, v. 74, Sept. 1988: 1115-1140.
Comment considers ramifications of the Federal act encouraging good faith peer review among health care professionals, and discusses concern over the confidentiality of peer review records.

Nanula, Peter J.
Protecting confidentiality in the effort to control AIDS. Harvard journal on legislation, v. 23, winter 1987: 315-349.
"This Comment focuses on the urgent need for protecting the confidentiality of potential and confirmed AIDS carriers and victims to facilitate the public health effort to control the disease. It then examines possible sources of legal protection of confidentiality, evaluating the prospects and suggesting reforms. Finally, the author includes a model statute encompassing the statutory changes he suggests."

Neu, Steven. Kjellstrand, Carl M.
Stopping long-term dialysis: an empirical study of withdrawal of life-supporting treatment. New England journal of medicine, v. 314, Jan. 2, 1986: 14-20.
Concludes "that stopping treatment is a common mode of death in patients receiving long-term dialysis, particularly in those who are old and those who have complicating degenerative diseases. Because of the increasing age of patients on dialysis, withdrawal of treatment will probably become more common in the future."

Nolan, Kathleen. Swenson, Sara.
New tools, new dilemmas: genetic frontiers. Hastings Center report, v. 18, Oct.-Nov. 1988: 40-46.
"The powerful new methods, expansive scope, and accelerated pace of human molecular genetics combine to catapult us into ethically unfamiliar territory. These features lend special urgency to questions of genetic ownership and privacy, ideas and normalcy, identity and genetic determinatism, and early diagnosis and therapy."

Parachini, Allan.
Bringing euthanasia issue to the ballot box, part V. Los Angeles times, Apr. 10, 1987: 1, 10.
Describes the activities of Robert Risley and Michael White, founders of an organization called Americans Against Human Suffering, and discusses a proposed California initiative that would make it legal for physicians to assist terminally ill patients who wish to die. Discusses opposition views, medical ethical questions raised, and similar legal proposals in the Netherlands.

Peck, Mary Jean.
Rights and obligations of patients, families, healthcare providers regarding orders not to resuscitate. Ilion, N.Y., Mohawk Valley Nursing Home, 1988. 6 leaves.

Perkins, Nancy.
Prohibiting the use of the human immunodeficiency virus antibody test by employers and insurers. Harvard journal of legislation, v. 25, winter 1988: 275-315.
"Comment analyzes the costs and benefits of HIV antibody testing by employers and insurers and proposes a four-part legislative solution to the screening problem. It recommends that states 1) prohibit both employers and insurers from inquiring into the results of HIV antibody tests voluntarily taken in the past by current or potential employees or by applicants for insurance, 2) either prohibit the use of test results to determine eligibility for employment or, as an alternative, declare persons who test

HIV-positive handicapped for purposes of handicap discrimination laws, 3) prohibit the use of test results to determine eligibility for health insurance, and 4) permit the use of test results to determine life insurability only under strict regulatory guidelines."

The Persistent problem of PVS. Hastings Center report, v. 18, Feb.-Mar. 1988: 26-47.

Contents.--The persistent vegetative state: the medical reality (getting the facts straight), by Ronald E. Cranford.--Ethical questions raised by the persistent vegetative patient, by Baruch A. Brody.--From Quinlan to Jobes: the courts and the PVS patient, by Paul W. Armstrong and B. D. Colen.--Not dead, not dying? Ethical categories and persistent vegetative state, by Daniel Wikler.

Piorkowski, Joseph D.

Between a rock and a hard place: AIDS and the conflicting physician's duties of preventing disease transmission and safeguarding confidentiality. Georgetown law journal, v. 76, Oct. 1987: 169-202.

Offers an objective review of "the case law and legal issues relevant to a cause of action for failure to warn third parties of the risk of AIDS . . . . Demonstrates that physicians are currently 'between a rock and a hard place' because, in the absence of any statutory guidelines, they are potentially liable both for failure to warn and for the disclosure of confidential information that such a warning would necessitate."

Post, Stephen G.

History, infanticide, and imperiled newborns. Hastings Center report, v. 18, Aug.-Sept. 1988: 14-17.

Concludes that "ethicists who advocate the permissibility of infanticide often have misrepresented history in their arguments. The western tradition supports the prohibition of active killing of congenitally impaired or premature newborns whose futures are uncertain."

Rabin, Judith A.

The AIDS epidemic and gay bathhouses: a constitutional analysis. Journal of health politics, policy and law, v. 10, winter 1986: 729-747.

Article "argues that although the government has the power to close the baths in the name of public health, it should not do so without careful and conscious balancing against the privacy rights infringed upon by its actions. Balancing the tension between public health policy and individual rights applies not only to the specific situation of the baths, but also to insurance companies' aim to test all single, young, male life and health policy applicants for exposure to the putative AIDS virus; to potential health department releases of names of those testing antibody-positive for HTLV-III; to the military's rumored plans to discharge all personnel suspected of having AIDS; and to school districts seeking to exclude children with AIDS."

Reidinger, Paul.

A question of balance: policing the AIDS epidemic. American Bar Association journal, v. 73, June 1, 1987: 69-70, 72, 74.

Contends that "the larger legal issue is how to control the AIDS epidemic without wholesale obliteration of individual rights. Some current efforts--such as mandatory testing for AIDS antibodies, and tracing the sexual contacts of those with the disease--raise unprecedented legal conflicts over the exercise of the state's police power to bring the epidemic under control."

Resuscitation: how do we decide? A prospective study of physicians' preferences and the clinical course of hospitalized patients. JAMA [Journal of the American Medical Association], v. 255, Mar. 14, 1986: 1316-1322.

"To identify the information that physicians use in making such decisions, all 604 patients admitted to the medical service during a one-month period were studied . . . . Apart from differential rates of admission to critical care units, there were no important differences in the care, course, or mortality of patients for whom less than full intervention was initially favored. Suggestions that physicians should discuss resuscitation with all or most patients who may die are unrealistic. A more prudent strategy is to discuss the issue with patients whose hospital course is marked by a steady deterioration."

Rhoden, Nancy K.

Litigating life and death. Harvard law review, v. 102, Dec. 1988: 375-446.

"In cases involving the 'right to die,' courts are faced with the agonizing task of developing legal standards governing termination of an incompetent patient's medical treatment. In this Article, Professor Rhoden criticizes the two dominant approaches courts have developed--the 'subjective' and 'objective' tests--and proposes that these standards be abandoned for a legal presumption in favor of family decisionmaking."

Right-to-die: an executive report. Hospitals, v. 63, Nov. 20, 1989: 33-40.

"This December, the U.S. Supreme Court will for the first time hear a right-to-die case. Experts who have speculated on the outcome of the case disagree on the effect it will have on the day-to-day practice of medicine in hospitals. But all concerned agree upon one aspect of the right-to-die issue: It will become more complex in the future. This executive report looks at the issue from four key viewpoints: health care attorneys, physicians, nurses, and consumers. Each has a unique perspective that needs to be considered in the formation of institutional policy."

Right-to-die court decisions. New York, Society for the Right to Die [1986] 1 v. in various pagings.

Right to die: the debate. USA today [newspaper], Mar. 19, 1986: 8A.

An editorial and guest columnists debate the American Medical Association's "new ethics policy that allows the withholding of food and water from patients in irreversible comas."

Ruark, John Edward. Raffin, Thomas Alfred.

Initiating and withdrawing life support: principles and practice in adult medicine. New England journal of medicine, v. 318, Jan. 7, 1988: 25-30.

Advises physicians to "recognize that authority in medical care rests with patients or their legal surrogates. Support them in exercising this authority. Support patients' rights, particularly the right to give informed consent."

Rubin, Anne Loughran. Scrupski, Mary E.

When ethics collide: enforcement of institutional policies of non-participation in the termination of life-sustaining treatment. Rutgers law review, v. 41, fall 1988: 399-430.

Comment discusses whether a health care facility can enforce a policy prohibiting the withdrawal of life support against a patient who wanted life support terminated.

Ryan, Deborah A.

Virginia's Natural Death Act: is it useful to individuals in a persistent vegetative state? Colonial lawyer, v. 19, spring 1990: 34-51.

"One of the most controversial medical, moral and legal issues of our time is whether patients in a persistent vegetative state (PVS) have a legal right to die. 'The most commonly cited estimate of the number of PVS patients in the United States is 5,000 to 10,000, and this number can be anticipated to significantly increase in the future, especially when coupled with their increased longevity.' This article will discuss this issue in four sections. The first section will define what it means to be in a PVS in an attempt to reconcile some of the common misconceptions associated with this condition. The second section will discuss the rights of such patients to discontinue treatment as well as the rights of a surrogate to act on their behalf. The third section will explore Virginia's Natural Death Act to see if it effectively deals with PVS patients. Finally, this article will suggest possible solutions to this ongoing controversy."

Sachdev, Paul.

The triangle of fears: fallacies and facts. Child welfare, v. 68, Sept.-Oct. 1989: 491-503.

"The author reports on two studies designed to examine the concerns and apprehensions of members of the adoption triangle surrounding the unsealing of adoption records."

Sarno, John J.

Born to live or born to die: the handicapped newborn in New Jersey. Seton Hall legislative journal, v. 11, no. 1, 1987: 201-222.

"The issue of withdrawing or withholding life-sustaining medical treatment from severely handicapped infants is very complex. Three themes held sacred in American society converge: the right to privacy, the right to life, and the right of government to protect the defenseless and helpless. This note will address the basic issues underlying both federal and state initiatives that impact upon this moral and legal dilemma."

Schaeffer, Sherri.
Death with dignity: proposed amendments to the California Natural Death Act. San Diego law review, v. 25, Sept.-Oct. 1988: 781-828.
"In an attempt to lend more humanity and dignity to the dying process, this Comment advocates that the California Legislature amend the Natural Death Act to clarify ambiguous language and to allow non-terminal, as well as terminal, patients to benefit from the statute. In addition, this Comment proposes that the legislature broaden the Act to permit physician aid-in-dying under certain limited conditions and upon patient request."

Schneider, Carl E.
Rights discourse and neonatal euthanasia. California law review, v. 76, Jan. 1988: 151-176.
Article examines the issues in neonatal euthanasia in terms of rights, particularly constitutional rights.

Schram, Neil R.
AIDS: 1991. Los Angeles times magazine, Aug. 10, 1986: 10-15, 28-29.
Presents a fictional scenario based on what is known about acquired immune deficiency syndrome. Summarizes "the latest information on the disease and describe[s] choices that could confront society if the virus continues to spread unchecked."

Scott, H. Denman. DeBuono, Barbara. Colt, Avery.
Comprehensive AIDS legislation in social perspective: the new Rhode Island AIDS law. AIDS & public policy journal, v. 3, no. 4, 1988: 34-41.
Summarizes Rhode Island's comprehensive AIDS legislation that was enacted on June 3, 1988.

Shuman, Daniel W. Weiner, Myron F.
The psychotherapist-patient privilege: a critical examination. Springfield, Ill., C.C. Thomas, 1987. 152 p. (American lecture series, publication no. 1070)

Spring, Beth.
A genuinely "good death." Christianity today, v. 32, July 15, 1988: 27-31.
"Hospice is not new; the first U.S. hospice was founded in 1974. But hospice is taking on new significance today not only for the patients and families it serves, but also as an important force in society for challenging the prevailing philosophy that accommodates, and even encourages, a right to die."

Spring, Beth. Larson, Ed.
Euthanasia: spritual, medical & legal issues in terminal health care. Portland, Or., Multnomah, 1988. 219 p.

Steinhilber, August W.
AIDS and employment: legal and policy considerations. Federal Bar news & journal, v. 35, Oct. 1988: 377-380.

Stockham, Edward B.
A healthy approach for confronting AIDS in the workplace. Business and society review, fall 1987: 31-35.
"The principal issues that will need to be considered include confidentiality of medical records, employee and patient privacy rights, civil rights of employees, employees' right to know, workers' compensation laws, and occupational health and safety laws, to name but a few."

Stone, Michael.
Q. and A. on AIDS. New York, v. 20. Mar. 23, 1987: 34-43.
Attempts to clear up confusion about the spread of AIDS. Answers questions on the risk of AIDS to heterosexuals, the need for mandatory testing and the costs of AIDS.

Sullivan, Kathleen M. Field, Martha A.
AIDS and the coercive power of the State. Harvard civil rights-civil liberties law review, v. 23, winter 1988: 139-197.
This article argues that quarantine and criminalization are not the best ways to combat AIDS.

Sullum, Jacob.
Cold comfort. Reason, v. 22, Apr. 1991: 22-29.
Cryogenics means freezing bodies or parts of bodies in an attempt to preserve them until a time in the future when medical science has advanced sufficiently to make it possible to revive the body or provide new body parts. The article describes the movements beliefs and the issue of a right to die.

Symposium: AIDS: at the limits of the law. Villanova law review, v. 34, no. 5, 1989: whole issue (755-993 p.)
Contents.--Faith (healing), hope, and charity at the FDA: the politics of AIDS drug trials, by George J. Annas.--AIDS: the responsibility to care, by D. Anthony Forrester.--AIDS and the health care provider: the argument for voluntary HIV testing, by Barry R. Furrow.--Confidentiality policy for HIV-related information: an analytical framework for sorting out hard and easy cases, by Richard C. Turkington.--AIDS and discrimination in the United States: reflections on the nature of prejudices in a virus, by Mary C. Dunlap.--Rationality review and the politics of public health, by Scott Burris.

Symposium: current legal issues in AIDS. Ohio State law journal, v. 49, no. 4, 1989: 877-1076.
Contents.--Introduction to symposium on AIDS and the law, by Congressman Waxman.--Lawyers, clients, and AIDS: some notes from the trenches, by Rhonda R. Rivera.--AIDS, employment and unemployment, by Arthur S. Leonard.--Discrimination on the basis of HIV infection: an economic analysis, by Kenneth Vogel.--Executive action against AIDS: a proposal for Federal regulation under existing law, by Gilbert Gaynor.--The politics of AIDS: compulsory state powers, public health, and civil liberties, by Larry Gostin.

Symposium on AIDS and the rights and obligations of health care workers. Maryland law review, v. 48, no. 1, 1989: whole issue (245 p.)
Contents.--Health care workers and AIDS, by Edward N. Brandt, Jr.--Hospitals, health care professionals, and AIDS: the "right to know" the health status of professionals and patients, by Larry Gostin.--AIDS, therapeutic confidentiality, and warning third parties, by Donald H. J. Hermann and Rosalind D. Gagliano.--AIDS, HIV, and health care workers: some international legislative perspectives, by Sev S. Fluss and Dineke Zeegers.- -The AIDS project: introduction, by Karen H. Rothenberg.--Creating a public health policy--rights and obligations of health care workers.--Workplace exposure to AIDS.

Tanne, Janice Hopkins.
To test or not to test? New York, v. 20, Sept. 28, 1987: 40-46.
Presents a thorough look at AIDS testing and the issues it raises. Includes opinions by hard-liners who advocate widespread mandatory testing, by others who urge jail sentences for those who knowingly infect others, and by civil libertarians and public health officials who advocate penalties for anyone who discriminates against AIDS victims or violates confidentiality records.

Testing democracy: AIDS in America. Human rights, v. 14, summer 1987: 15-52, 54.
Contents.--Today's plague, tomorrow's laws, by Abbey R. Rubenfeld.--Can judges quarantine courtrooms?--A lawyer with AIDS, by Dan Bradley and Vicki Quade.--AIDS in America: death, privacy and the law, by Michael L. Closen and others.--The test: is it accurate? Is it legal?--A fatal bias: AIDS and minorities, by Eugene Harrington.--Privacy in the workplace: health and liability, by Gerald R. Lucey and Gabriela B. Georgi.

To die or not to die?: cross-disciplinary, cultural, and legal perspectives on the right to choose death. Edited by Arthur S. Berger and Joyce Berger. New York, Praeger, 1990. 194 p.

Tomes, Jonathan P.
Healthcare records: a practical legal guide. Dubuque, Iowa, Kendall-Hunt Pub. Co., 1990. 321 p.

Turkington, Richard C.
Legal protection for the confidentiality of health care information in Pennsylvania: patient and client access; testimonial privileges; damage recovery for unauthorized extra-legal disclosure. Villanova law review, v. 32, Apr. 1987: 259-400.

"This article will analyze the protection provided by law in Pennsylvania for the confidentiality of health care information in respect to three areas. First, it will explore the extent to which patients or clients have access to health care information in health records. Next, it will explore the extent to which there is legal protection against the disclosure of health care information in health legal proceedings. Finally, the article will analyze the extent to which protection is available against the disclosure of such information outside of legal proceedings (extra-legally)."

U.S. Congress. House. Committee on the Judiciary. Subcommittee on Civil and Constitutional Rights.
Unauthorized access to individual medical records. Hearing, 98th Congress, 2nd session on H.R. 5831. Aug. 9, 1984. Washington, G.P.O., 1986. 21 p.
"Serial no. 120"

U.S. Congress. House. Select Committee on Aging.
Dying with dignity: difficult times, difficult choices. Hearing, 99th Congress, 1st session. Oct. 1, 1985. Washington, G.P.O., 1986. 115 p.
"Comm. pub. no. 99-549"

Planning for your golden years. Hearing, 101st Congress, 2nd session. July 28, 1990. Washington, G.P.O., 1990. 65 p.
"Comm. pub. no. 101-774"
Hearing held in Daytona Beach, Fla.

U.S. Congress. Senate. Committee on Finance. Subcommittee on Medicare and Long-Term Care.
Living wills. Hearing, 101st Congress, 2nd session on S. 1766. July 20, 1990. Washington, G.P.O., 1991. 187 p. (Hearing, Senate, 101st Congress, 2nd session, S. Hrg. 101-1168)

U.S. Congress. Senate. Committee on Labor and Human Resources.
AIDS research. Hearing, 100th Congress, 1st session. May 15, 1987. Washington, G.P.O., 1987. 149 p.
Presents proposals for the first comprehensive legislation on AIDS.

Voluntary euthanasia: experts debate the right to die. Edited by A. B. Downing and Barbara Smoker. Atlantic Highlands, N.J., Humanities Press International, 1986. 303 p.

Walter, James J.
Food & water: an ethical burden. Commonweal, v. 113, Nov. 21, 1986: 616-619.
Sides "with those who see no necessary moral distinction between the refusal or withdrawal of nutrients and the refusal/withdrawal of various medical technologies (e.g., a respirator). Also, agree[s] that quality of life judgments are not only permissible but necessary in the assessment of benefits and burdens to the patient." Focuses on the Paul Brophy case in Massachusetts.

Walters, LeRoy.
Ethical issues in the prevention and treatment of HIV infection and AIDS. Science, v. 239, Feb. 5, 1988: 597-603.
"The epidemic of infection with the human immunodeficiency virus (HIV) and the acquired immunodeficiency syndrome (AIDS) poses a major ethical question: How can we control the epidemic and the harm that it causes without unjustly discriminating against particular social groups and without unnecessarily infringing on the freedom of individuals? This question pertains to three spheres of public policy in the United States: public health, the delivery of health care, and research."

Weir, Robert F.
Abating treatment with critically ill patients: ethical and legal limits to the medical prolongation of life. New York, Oxford University Press, 1989. 455 p.

Weiss, Charles D.
AIDS: balancing the physician's duty to warn and confidentiality concerns. Emory law journal, v. 38, winter 1989: 279-309.
This "comment considers the physician's responsibility both to his patient and to potential victims of AIDS. The author proposes that the physician's duties could be

satisfied by reporting to state health departments, which would then conduct contact tracing as a means of notifying potentially infected third parties."

Whelan, Elizabeth M.
An open letter to the candidates on AIDS. Across the Board, v. 24, Sept. 1987: 40-47.
Reviews the options and offers a few recommendations for issues raised by AIDS such as: will science find a cure or vaccine for AIDS, should AIDS victims be quarantined, should universal AIDS testing be required or should only specific groups be tested, how should children be educated about AIDS, and who will pay the bills.

Wishful thinking about an epidemic. Across the Board, v. 23, Oct. 1986: 31-36.
"The medical facts must be fully understood--and ideological rhetoric put aside--if we are to stop the spread of AIDS. Controversial measures such as 'tracking,' the author argues, should not be ruled out."

Williams, Phil.
The living will source book, with forms. Oak Park, Ill., P. Gaines Co. [1986] 109 p.

Withholding or withdrawing treatment: the ethical and legal issues. Norma L. Creamer, editor. Atlanta, Ga., American Health Consultants, 1986. 74 p.
"Articles from past issues of Medical ethics advisors."

Wyld, David C. Cappel, Sam D.
The big easy? Legal and managerial perspectives on AIDS and health care delivery in the 1990s. AIDS & public policy journal, v. 5, summer 1990: 99-106.
"Examines the hard medical, legal, and ethical questions that AIDS raises for health care management. It emphasizes two central issues--the duty to treat and the right to privacy--in the age of AIDS."

Yolles, Bryan Jay. Connors, Joseph C. Grufferman, Seymour.
Sounding board: obtaining access to data from government-sponsored medical research. New England journal of medicine, v. 315, Dec. 25, 1986: 1669-1672.
Discusses the importance of access to medical research data and the dilemma of balancing data-sharing needs with considerations of confidentiality. Urges that government-sponsored research "incorporate features in the study design that protect the privacy of study subjects and also allow the sharing of data when they are used to support changes in government policy."

V. CRIMINAL AND CIVIL JUSTICE AND RELATED ISSUES

A. GENERAL

American Bar Association. Tort and Insurance Practice Section. Spring Meeting (1989 : Lake Buena Vista, Fla.)

The attorney-client privilege under siege: preserving and protecting it in civil cases: drawn from papers originally presented at Tort and Insurance Practice Section, Spring Meeting, May 10-14, 1989. Chicago, American Bar Association, 1989. 761 p.

Atkinson, Carla.

Secret war: lawyers battle over what should and should not be kept secret in court cases. Public citizen, v. 9, July-Aug. 1990: 12-14.

Bartlett, Larry.

Self-incrimination and public school students. Journal of law and education, v. 15, spring 1986: 167-180.

Article concludes that "students attending the public schools are entitled to exercise rights against self-incrimination afforded them by the fifth amendment. The law is reasonably clear that students, like adults, may not be punished for exercising the privilege."

Belair, Robert R.

Criminal justice information policy: public access to criminal history record information. [Washington] U.S. Bureau of Justice Statistics [1988] 73 p.

"November 1988, NCJ-111458"

BJS data report, 1988. Washington, U.S. Bureau of Justice Statistics, 1989. 75 p.

Partial contents.--Crime and its characteristics.--The cost of crime.--The public response to crime.--Adjudication and sentencing.--Corrections.--Federal justice data.--Privacy, security, and confidentially of criminal justice data and criminal histories.

Brown, Joan L.

Blaming the victim: the admissibility of sexual history in homicides. Fordham urban law journal, v. 16, no. 2, 1988: 263-293.

"Note analyzes whether legislation analogous to rape-shield statutes should be enacted to limit testimony concerning the prior sexual history of a murder victim."

Buchanan, Catherine Louise.

A comparative analysis of name and likeness rights in the United States and England. Golden Gate University law review, v. 18, summer 1988: 301-370.

"The American common law has developed to accomodate a right of privacy and to ensure that the right to publicity constitutes a viable source of income for celebrities . . . English law regarding the appropriation of name and likeness rights lags behind the relatively recent strides made in America," this article finds.

Bush, John C. Tiemann, William Harold

The right to silence: privileged clergy communication and the law. 3rd ed. Nashville, Abingdon Press, 1989. 272 p.

Byron, Christopher.

Sweatshirt justice: how the war on crime is expanding to crush some rights. New York, v. 22, Oct. 2, 1989: 42, 44, 46-54.

The author argues that "in too many recent cases, the weapons that the public has allowed to be used against drug lords and mobsters--pretrial property seizures, wiretaps, undercover 'sting' operations--have been used against everyday people, bolstering libertarian alarms that Dirty Harry-style justice is taking over federal law enforcement."

Cole, William A.
Religious confidentiality and the reporting of child abuse: a statutory and constitutional analysis. Columbia journal of law and social problems, v. 21, no. 1, 1987: 1-52.

"All fifty states now have statutes which require various members of the community to report suspected child abuse. Examining these statutes, this Article concludes that many require members of the clergy to report abuse, in conflict with laws which protect the confidentiality of clergy-communicant relationships. The Article argues that requiring clergy to report child abuse creates an impermissibly heavy burden on the free exercise of religion and that statutes which have such a requirement are unconstitutional."

Cunningham, Jennifer.
Eliminating "backdoor" access to client confidences: restricting the self-defense exception to the attorney-client privilege. New York University law review, v. 65, Oct. 1990: 992-1043.

"This Note argues that courts must begin to impose restrictions on the use of the expanded self-defense exception to protect client confidences from unwarranted intrusion by self-interested attorneys and overreaching third parties." Analysis includes discussion of the Meyerhofer v. Empire Fire & Marine Insurance Co. case, where the court "expanded the [self-defense] exception to permit an attorney to disclose otherwise protected confidences to protect her own interests when she is charged with misconduct or illegal behavior by a third party."

Dill, Barbara.
The journalist's handbook on libel and privacy. New York, Free Press, 1986. 262 p.

Dolinko, David.
Is there a rationale for the privilege against self-incrimination? UCLA law review, v. 33, Apr. 1986: 1063-1148.

"Article argues that neither appeal to the goals of the criminal justice system nor invocation of broad notions of human rights can justify the privilege against self-incrimination."

Epstein, Edna Selan. Martin, Michael M.
The attorney-client privilege and the work-product doctrine. Chicago, American Bar Association, 1989. 169 p.

Forer, Lois G.
A chilling effect: the mounting threat of libel and invasion of privacy actions to the first amendment. New York, Norton, 1987. 407 p.

Galanek, Christopher Paul.
The impact of the Zolin decision on the crime-fraud exception to the attorney-client privilege. Georgia law review, v. 24, summer 1990: 1115-1140.

"This Note will examine the history and current status of the attorney-client privilege as it relates to the crime-fraud exception in order to analyze the ramifications of the Zolin decision. This examination will reveal that the Supreme Court approved further constriction of a client's privilege to prevent her attorney from disclosing confidential communications arising out of their professional relationship."

Genetic witness: forensic uses of DNA tests. Washington, Office of Technology Assessment, for sale by the Supt. of Docs., G.P.O., 1990. 196 p.

"OTA-BA-438, July 1990"

"Illustrates a range of options for action by the U.S. Congress on five policy issues: standards for forensic uses of DNA typing; funding of crime laboratories, forensic personnel training, and forensic research; the advisability of establishing computer databanks of DNA test results; standardization of DNA analysis for improved data collection; and privacy considerations of collecting, using, and storing DNA data or samples."

Gergacz, John William.
Attorney-corporate client privilege. New York, Garland Law Pub., 1987. 1 v. in various pagings.

Glastris, Paul.

... One that should be the best, but isn't. Washington monthly, v. 20, Mar. 1988: 27-33.

Criticizes the American Civil Liberties Union's position on random and reasonable searches at airports, inner-city public schools, and sobriety checkpoints, and random drug testing of railway and airline workers. "When it comes to public safety, judges have, for the most part, resisted the most extreme arguments of the ACLU . . . . Because the ACLU's arguments have at least in part been heeded, many of the safety procedures we do have are less effective than they might be."

Graves, Bruce.

Attorney client privilege in preparation of income tax returns: what every attorney-preparer should know. Tax lawyer, v. 42, spring 1989: 577-619.

"In the area of tax returns preparation, unfortunately, the boundaries of the attorney-client privilege have been narrowly drawn, and the attorney whose practice includes tax return preparation must be aware that a great deal of information disclosed during this process may, under the current state of the law, indeed be reached by a Service summons. This Article will alert tax practitioners to the Service's invasive tactics, which may be encountered long after the preparation of their client's tax return, and to the fact that the attorney-client privilege that they perhaps assumed prevented disclosure may not even be applicable."

Greenberg, Judith.

Compulsory psychological examination in sexual offense cases: invasion of privacy or defendants's right? Fordham law review, v. 58, May 1990: 1257-1268.

"This Note concludes that courts have discretion to order a prosecutrix to undergo a psychological examination if little or no corroboration supports the sexual offense charge, or if the defense charges that the complaining witness's mental or emotional condition casts serious doubt on her veracity."

Halpern, Sheldon W.

The law of defamation, privacy, publicity, and "moral rights": cases and materials on protection of personality interests. Cincinnati, Anderson Pub., 1988. 660 p.

Hamilton, James.

Attorney-client privilege in Congress: trial balloon. Litigation, v. 12, winter 1986: 3-4, 64-65.

Former Senate Watergate Committee assistant counsel argues that the attorney-client and work-product privileges apply as a matter of right to congressional investigations, and expresses worry that "a fallacious--indeed, dangerous--notion" that these privileges are dependent on the investigating body's discretion is becoming popular in Congress

Harter, Philip J.

Neither cop nor collection agent: encouraging administrative settlements by ensuring mediator confidentiality. In Administrative Conference of the United States recommendations and reports, 1988. Washington, The Conference, 1989. p. 839-872.

At head of title: Administrative Conference of the United States: report for recommendation 88-11.

"Since settlements are essential to administrative agencies, a careful balance must be struck between the openness that is critical for the legitimacy of the agreements reached and the confidentiality that is critical if agreements are to be reached. The proposal [here] attempts to strike that balance."

Hogan, Maureen B.

The constitutionality of an absolute privilege for rape crisis counseling: a criminal defendant's sixth amendment rights versus a rape victim's right to confidential therapeutic counseling. Boston College law review, v. 30, Mar. 1989: 411-476.

"This [comment] analyzes the constitutionality of an absolute testimonial privilege for communications between a rape victim and a rape crisis counselor. Part I reviews the law of testimonial privileges, examines the underlying policy interests supporting the existence of such privileges, and focuses on the absolute privilege for the rape crisis counseling relationship and the interests the privilege protects. Part II considers the contours and scope of the rights guaranteed by the confrontation and compulsory process clauses of the sixth amendment and Supreme Court decisions resolving conflicts with sixth amendment rights. Part III discusses the origins of the testimonial privilege of confidentiality for the rape crisis counseling relationship and reviews the conflicting decisions of state courts confronted with the issue of the constitutionality of an absolute privilege."

Hopkins, Wat W.

Actual malice: twenty-five years after Times v. Sullivan. New York, Praeger, 1989. 215 p.

Kantrowitz, Barbara.

Naming names. Newsweek, v. 117, Apr. 29, 1991: 26-29, 31-32.

After a supermarket tabloid, NBC, the New York Times and several other newspapers provided the name of a women allegedly raped in Palm Beach by William Kennedy Smith, "the media's role in the Kennedy case fuel[ed] a growing controversy: should the victims of rape be identified?"

Kaplow, Louis. Shavell, Stephen.

Legal advice about information to present in litigation: its effects and social desirability. Harvard law review, v. 102, Jan. 1989: 565-615.

Professors Kaplow and Shavell "emphasize that legal advice supplied during litigation differs significantly from advice given when acts are initially contemplated, because only the latter type of advice generally tends to channel behavior in a socially desirable manner. The authors' analysis raises basic questions about the wisdom of the attorney-client privilege and rules protecting confidentiality in the context of litigation, and it suggests that inquiry into the lawyer's role be recast."

Kello, Catherine L.

Rape shield laws--is it time for reinforcement? University of Michigan journal of law reform, v. 21, fall 1987-winter 1988: 317-345.

Comment examines civil suits arising from allegations of rape and proposes legislation similar to current rape shield laws in criminal procedure that would protect rape victims in these cases.

Kim, Kathryn Young-sook.

Self-incrimination, compulsion, and the undercover agent--Illinois v. Perkins, 110 S. Ct. 2394 (1990). Washington law review, v. 66, Apr. 1991: 605-622.

"As a rule, police officers must advise suspects held in custody of their rights before interrogating them. In Illinois v. Perkins, the Supreme Court created an undercover agent exception to this rule. The Perkins Court concluded that the rule does not apply because undercover interrogations do not compel criminial defendants to incriminate themselves. This Note examines the impact of the Perkins exception and concludes that the rule should apply even when undercover agents conduct the inherently compelling custodial interrogation."

Klein, Susan R.

A survey of evidence and discovery rules in civil sexual harassment suits with special emphasis on California law, v. 11, no. 4, 1989: 540-577.

Comment contends that "defendants' use of discovery (and the corresponding introduction of evidence in open court) strips plaintiffs of their privacy to the extent that meritorious suits may be inhibited. The author focuses on two issues: the introduction of evidence regarding plaintiffs' past sexual behavior, and court-ordered psychiatric examinations of plaintiffs."

Kloppenberg, Lisa.
Disclosure of confidential sources in international reporting. Southern California law review, v. 60, Sept. 1987: 1631-1671.
"Courts need guidelines for examining the materiality of libel plaintiffs' disclosure demands, as well as for screening journalists' assertions of the need for secrecy to preserve first amendment interests. The balancing test currently used by the federal courts to evaluate disclosure claims in libel suits is applied in an arbitrary and conclusory manner .... This Note will suggest a better test and demonstrate its application by analyzing the proper scope of protection for confidential sources in the international news context. This Note will show that the uncertainty of the current test is particularly grievous in the context of libel litigation because of the likelihood of harm to sources and the potential that arbitrary disclosure orders have for inhibiting the flow of international news to the public."

LaRouche, Lyndon H., Jr.
Why Judge Cacheris's position on "confidential sources" is unconstitutional. New York, Executive Intelligence Review [1984] 10 p.

Lewis, Anthony
Make no law: the Sullivan case and the first amendment. New York, Random House, 1991. 354 p.

Marcus, Paul. McMahon, Tara L.
Limiting disclosure of rape victims' identities. Southern California law review, v. 64, May 1991: 1019-1055.
"In this article we will analyze the Court's opinions in Cox Broadcasting Corp. v. Cohn and Florida Star v. B.J.F. and the related first amendment and privacy issues. In addition, we will review the state interests involved in limiting disclosure of the victim's identity. It is our view that the disclosure of rape victims' identities should be limited and states should adopt narrowly and carefully written statutes designed to promote the interests of both the media and the victims of these crimes."

Mayer, Michael F.
The libel revolution: a new look at defamation and privacy. New York, Law Arts Publishers, 1987. 256 p.

Millet, Thomas.
The applicability of evidentiary privileges for confidential communications before Congress. John Marshall law review, v. 21, winter 1988: 309-321.
Justice Department attorney finds that "nothing in the Constitution compels Congress to respect privileged communications .... Concluding that Congress' constitutional power to make its own rules means that Congress is not bound to follow traditional rules for privileged communications does not end the matter, especially in light of Congress' historical practice of respecting those privileges."

Mitchell, Mary Harter.
Must clergy tell? Child abuse reporting requirements versus the clergy privilege and free exercise of religion. Minnesota law review, v. 71, Feb. 1987: 723-825.
"Part I reviews states' child abuse reporting requirements, and Part II surveys the development and present status of the clergy privilege. Part III then focuses on the troubling intersection of these two lines of law. Finally, Part IV considers the argument that the clergy privilege is grounded in a cleric's constitutional right freely to practice his religion."

New York State Legislative Commission on Critical Transportation Choices.
The court challenge to New York State's constitutional power to mandate the use of "seat belts": a report to the legislature. [Albany] The Commission [1986] 107 p. in various pagings.
"Legal brief prepared by George D. Levine, counsel, January 1986."

Northwestern University. Libel Reform Project.
Proposal for the reform of libel law: the report of the Libel Reform Project of the Annenberg Washington Program. Washington, Annenberg Washington Program [in] Communications Policy Studies, Northwestern University, 1988. 32 p.

Olson, Walter.
No secrets. Reason, v. 22, Feb. 1991: 22-27.
"If you get arrested, you have the right to remain silent. But if you get sued, they have ways of making you talk."

Open vs. confidential records: proceedings of a BJS/SEARCH conference. Washington, U.S. Bureau of Justice Statistics [1988] 64 p.
"November 1988", NCJ-113560"

Phelan, Andrew C.
Legislative investigations: the scope of use immunity under 18 U.S.C. [section] 6002. American criminal law review, v. 27, summer 1989: 209-230.
"Under section 6002, Congress has the power to compel witnesses to testify over the assertion of their fifth amendment privilege against self- incrimination as long as the government makes no direct or indirect use of the compelled testimony in a subsequent prosecution .... A construction of section 6002 granting use immunity only to testimony meeting the good faith responsiveness standard provides the protection required by the fifth amendment," this comment concludes.

Pizzimenti, Lee A.
The lawyer's duty to warn clients about limits of confidentiality. Catholic University law review, v. 39, winter 1990: 441-490.
Article "outlines the current scope of confidentiality rules and their exceptions," contends "that lawyers should assume that a discussion of the limits on confidentiality is necessary," and "concludes with the assertion that failure to inform should, where appropriate, provide a basis for discipline or malpractice liability."

Pownell, Katherine Wiesepape.
The first amendment and pretrial discovery hearings: when should the public and press have access? UCLA law review, v. 36, Feb. 1989: 609-629.
"While courts should consider litigants' privacy, they cannot ignore the first amendment implications of systematically denying the public and press access to these types of civil adjudicatory proceedings simply because of the nature of the material involved .... This Comment recommends that, in determining whether pretrial proceedings should be protected, courts evaluate the nature of the potential harm claimed by the litigants, the specificity of the claims, and the magnitude of the harm."

Rauh, Joseph L., Jr.
The privilege against self-incrimination from John Lilburne to Ollie North. Constitutional commentary, v. 5, summer 1988: 405-410.
Traces the history of the fifth amendment from the Magna Carta to the present. "The fifth amendment has been the cutting edge of the Bill of Rights for two centuries. It is our recognition of the dignity of every human being that he need not accuse or incriminate himself but rather that the government must prove its case against any accused high or low."

Rich, Jonathan P.
The attorney-client privilege in congressional investigations. Columbia law review, v. 88, Jan. 1988: 145-172.
Comment contends that "Federal courts possess a clear jurisdictional mandate, under the dictates of the original contempt statute and their authority to fashion a federal common law of privileges, to uphold the common-law attorney-client privilege within the context of congressional proceedings. However, because witnesses remain vulnerable to inconsistent congressional practice, Congress should amend its contempt statute to explicitly guarantee this testimonial privilege."

Rolfs, Jacqueline R.
The Florida Star v. B.J.F.: the beginning of the end for the tort of public disclosure. Wisconsin law review, v. 1990, no. 4, 1990: 1107-1128.
Note states that "in the Florida Star v. B.J.F., the United States Supreme Court held unconstitutional a statute prohibiting publication of a rape victim's name. Because the decision sets guidelines for limiting truthful publication, it affects the states' ability to protect private information through the common law tort of public disclosure. This Note examines Florida Star's impact on the tort, concluding that the decision renders the tort an ineffective tool for protecting privacy interests."

Rosenberg, Irene Merker. Rosenberg, Yale L.
In the beginning: the Talmudic rule against self-incrimination. New York University law review, v. 63, Nov. 1988: 955-1050.

"For Professors Yale and Irene Rosenberg, the American privilege against self-incrimination, as exemplified in Miranda v. Arizona, is a timid and ineffectual doctrine at best, failing to offer consistent protection to suspects from whom a confession of guilt is sought. The Rosenbergs contrast the American approach with an ancient and far more unitary doctrine: the rule in Talmudic law that barred confessions in almost all criminal and quasi-criminal cases, whether by defendant or witness, in-court or out-of-court, voluntary or coerced."

Soshnick, Andrew Z.
The rape shield paradox: complainant protection amidst oscillating trends of state judicial interpretation. Journal of criminal law & criminology, v. 78, fall 1987: 644-698.

"In the past seventeen years, legislatures or courts in each of the fifty states have enacted statutes, composed rules of court, or authored judicial opinions designed to protect rape complainants from the psychological trauma associated with the public disclosure of the rape complainant's prior sexual activities and propensity for unchastity." This comment analyzes the "disparate array of rape shield laws" in the states, analyzes trends of judicial decisions in several states, and concludes that "state courts must make a more expansive reading of the legislative intent underlying rape shield laws in order to effectuate the intended level of protection from the rape complainant."

Stewart, Charles Evan.
Defending the attorney-client privilege. Case & comment, v. 91, July-Aug. 1986: 22, 24-26.

"When litigation and discovery are initiated, many considerations should be kept in mind in order to protect against the disclosure of privileged information."

Stuntz, William J.
Self-incrimination and excuse. Columbia law review, v. 88, Oct. 1988: 1227-1296.

"One way to avoid [lying when faced with self-incrimination] is to immunize not perjury but silence. This approach--the approach the privilege takes--makes it possible for the guilty to obey the law without confessing on the witness stand and thus sharply reduces the pressure to lie. That in turn allows the system to continue to punish perjury and so to preserve the integrity of, and confidence in, the judicial process. In this way, the privilege might be seen as responding, in part, to the pervasive problem of excusable, self-protective perjury . . . . [Article's] aim is to explore this idea's descriptive potential."

Tuerkheimer, Frank.
A reassessment and redefinition of rape shield laws. Ohio State law journal, v. 50, no. 5, 1989: 1245-1274.

"The purpose of this Article is to examine the different types of rape shield laws which have been passed, to note their differences, to explore the kinds of problems which have arisen under them, and to propose a solution by which some of those problems can be avoided in the future. As will be seen, rape shield laws vary in approach and in scope. In the decade or two since their passage, cases which have arisen under them have demonstrated that the legislative effort at balancing a complaining victim's right to privacy and a defendant's right to present legitimate defense evidence has not been as finely tuned as either interest requires."

U.S. Congress. House. Committee on the Judiciary. Subcommittee on Civil and Constitutional Rights.
Criminal Justice Information Improvement Act. Hearing, 99th Congress, 2nd session on H.R. 2129. July 16, 1986. Washington, G.P.O., 1987. 94 p.
"Serial no. 102"

Dissemination of FBI arrest records for employment and licensing purposes. Hearings, 100th Congress, 1st session. Oct. 14 and 21, 1987. Washington, G.P.O., 1988. 323 p.
"Serial no. 30"

U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on Courts and Administrative Practice.

Court secrecy. Hearing, 101st Congress, 2nd session on examining the use of secrecy and confidentiality of documents by courts in civil litigation. May 17, 1990. Washington, G.P.O., 1991. 258 p. (Hearing, Senate, 101st Congress, 2nd session, S. Hrg. 101-1139)

"Serial no. J-101-73"

Weston, Ray D., Jr.

Constitutional law: can the President of the United States force his military advisers to testify when they wish to claim their privilege against self-incrimination? Oklahoma law review, v. 40, winter 1987: 673-688.

Using a potential situation faced by Adm. John Poindexter and Lt. Col. Oliver North in Congress's Iran-Contra investigation, this comment concludes "that the President may constitutionally use threats of punitive action to force his military advisers to answer questions specifically, directly, and narrowly related to their duties so long as he does not attempt to coerce the advisers into waiving immunity . . . . If the advisers refuse to testify about their duties, the President can legally impose the threatened punitive action."

Willcox, Breckinridge L.

Martin Marietta and the erosion of the attorney-client privilege and work-product protection. Maryland law review, v. 49, no. 4, 1990: 917-946.

"Despite the opinion's [In re Martin Marietta Corp.] broad new interpretations of the privilege and protection, it has gone relatively unnoticed by the legal community. This article discusses flaws in the court's reasoning and explores the decisions' ramifications."

B. SEARCH AND SEIZURE AND THE EXCLUSIONARY RULE

Andersen, Austin A.

The admissibility of evidence located in searches by private persons. FBI law enforcement bulletin, v. 58, May 1989: 26-31.

Concludes that "to review, a wrongful search or seizure conducted by a private party does not implicate the fourth amendment nor does it deprive the government of the right to use such evidence. However, law enforcement officers cannot instigate or participate in such private searches, and they cannot stand by and observe an unlawful search while it is occuring. They may passively stand by a lawful search, however, as long as the private party's intrusion is self-motivated."

Inventory searches: the role of discretion. FBI law enforcement bulletin, v. 60, May 1991: 26-31.

"This article examines the relationship between the administrative procedures that police agencies establish as criteria for inventory searches and the latitude for discretion available to officers conducting those searches. Court decisions involving police discretion to impound and conduct inventory searches are discussed, and specific policy recommendations are offered."

Bartlett, Larry.

Don't be in a rush to search students. Clearing house, v. 59, Feb. 1986: 252-253.

"Before 'leaping' into student searches, school administrators need to 'look.' Public school officials should review the Supreme Court decision in light of existing student search practices and, where necessary, revise school policies and rules on searching students. If no such policies and rules exist, they should be developed."

Bazan, Elizabeth B.

The exclusionary rule--recent developments from Supreme Court decisions. Federal Bar news & journal, v. 33, Nov. 1986: 378-382.

Article suggests "that the Court does not envision an increase in the sweep of the exclusionary rule. Rather, the cases seem to indicate an inclination to circumscribe its application to those cases where the infringements of individual rights are serious and the exclusion of otherwise probative evidence is likely to have deterrent value."

Bookspan, Phyllis T.
Reworking the warrant requirement: resuscitating the fourth amendment. Vanderbilt law review, v. 44, Apr. 1991: 473-530.

"This Article begins with the premise that warrants safeguard meaningful rights and are essential to the essence of the fourth amendment. The Article asserts that the warrant clause must be revitalized and enforced, but in a manner that makes it more compatible with law enforcement realities .... Part II of this Article discusses the breakdown of fourth amendment law and why the Court needs to develop a new standard. Part III defines the proposed standard and provides some examples of how it would work in practice. Part IV highlights the benefits of the presumptively unreasonable standard generally."

Bradley, Craig M.
Are State courts enforcing the fourth amendment? A preliminary study. Georgetown law journal, v. 77, Dec. 1988: 251-286.

Article compares 1975 and 1986 "'Search and Seizure and 'Arrest' headnoted cases "from Alabama, Arizona, Georgia, Idaho, Illinois, Louisiana, Oklahoma, South Carolina, and Utah. The aim was to determine if the Supreme Court's 1976 Stone decision which "withdrew jurisdiction from the lower federal courts to entertain habeas corpus petitions from prisoners who alleged that they had been convicted on the basis of evidence obtained in violation of the fourth amendment," affected enforcement of the fourth amendment in the States examined.

Brooks, Robert A., III.
Undercover searches--should assumption of risk principles be used to render undercover searches inherently reasonable? University of Detroit law review, v. 65, fall 1987: 113-127.

Comment maintains that "a person's reasonable expectation of privacy should extend to the content of his social discourse, protecting one's communications with others and one's expectations that close associates will not be police informers."

Bunker, Michael D.
California v. Greenwood: the fourth amendment trashbag case. New England law review, v. 24, summer 1990: 1169-1192.

This case note argues that in the California v. Greenwood case, the Supreme Court "majority erred in its conclusions. An analysis of the cases relied upon by the majority in support of their holding will reveal vastly distinguishable circumstances from those present in Greenwood. Moreover, review of the dissenting opinion further suggests that society does, in fact, accept as reasonable a person's expectation of privacy in his contained refuse until the time that it is collected and disposed by the trash collector."

Corrada, Cheryl Kettler.
Dow Chemical and Ciraolo: for Government investigators the sky's no limit. Catholic University law review, v. 36, spring 1987: 667-699.

This comment identifies competing doctrines of fourth amendment protection as established by the physical trepass and reasonable expectation of privacy definitions of search. Discussing Dow Chemical Co. v. United States and California v. Ciraolo, finds that these decisions apparently contradict trends against defining search as physical trepass; predicts consequences of these decisions on fourth amendment doctrine.

Coulter, Alexandra.
Drug couriers and the fourth amendment: vanishing privacy rights for commercial passengers. Vanderbilt law review, v. 43, May 1990: 1311-1341.

"This Note primarily analyzes drug surveillance programs operated in airports, but also examines surveillance in train stations and bus terminals, focusing on surveillance techniques and legal justifications for searches of suspected drug couriers."

Cunningham, Clark D.
A linguistic analysis of the meanings of "search" in the fourth amendment: a search for common sense. Iowa law review, v. 73, Mar. 1988: 541-609.

"Article offers a new technique for analyzing and evaluating competing interpretations of a legal text and applies that technique to one of the most debated questions of modern constitutional interpretation: the meaning of 'searches' in the first clause of the fourth amendment. This technique is called the 'common sense' approach because it begins with a semantic analysis of the text in terms of the senses that the key words have in everyday speech."

Dipietro, A. Louis.
Anticipatory search warrants. FBI law enforcement bulletin, v. 59, July 1990: 27-32.
Explains "the uses and requirements for anticipatory warrants. After reviewing the general judicial acceptance of anticipatory warrants, the article discusses numerous court decisions involving various investigative applications for anticipatory search warrants. The article also offers several recommendations for avoiding potential constitutional challenges to the use of anticipatory warrants."

Dooley, Patrick.
The unreasonableness of requiring a warrant for searches of non-resident aliens in a foreign country: United States v. Verdugo-Urquidez. California Western international law journal, v. 20, no. 2, 1989-90: 355-380.
"This Note explains how and why the fourth amendment has been erroneously extended to foreign nationals in foreign countries."

Drug wars. Police chief, v. 57, May 1990: 30-33, 36-44, 46-55.
Partial contents.--Drug policy and the intellectuals, by William J. Bennett.--Why legalization won't work, by Thomas A. Constantine.--Patron NET in Suffolk County, by Kenneth Rau.--The narcotics strike force, by Richard Z. Voorhees.--Drug abatements: an effective tool, by Harv Ferguson and Patrick S. Fitzsimons.--Community empowerment policing, by Isaac Fulwood, Jr.--Effective use of search warrants in the war on crack, by Paul Mahoney.

Eid, Troy Andrew.
A fourth amendment approach to compulsory physical examinations of sex offense victims. University of Chicago law review, v. 57, summer 1990: 873-901.
Comment examines whether "court-mandated vaginal and rectal examinations violate the complainant's right to be free from unreasonable searches under the fourth amendment." Concludes that "the fourth amendment approach shifts trial judges' focus away from absolute discovery rights for defendants and toward a proper recognition of the uniquely intrusive nature of physical examinations of complainants--mostly young children--who may have been victimized by crimes of extreme depravity."

Esseks, David Clark.
Errors in good faith: the Leon exception six years later. Michigan law review, v. 89, Dec. 1990: 625-660.
Note concludes that "the exclusionary rule should be kept intact for its deterrent and educational effects. In pursuit of these goals, the exclusionary rule should be returned to its pre-Leon state. Leon reaffirmed that the goal of the exclusionary rule is deterrence of police misconduct, but the Leon exception's existence seriously undermines that very aim."

Etzioni, Amitai.
Too many rights, too few responsibilities. Society, v. 28, Jan.-Feb. 1991: 41-48.
Deals "first with the main objections raised against making any adjustments in the balance between individual rights and social reponsibilities, and follow[s] with specific criteria for a guide of how far to proceed without endangering constitutional foundations. At issue are matters of privacy and recent interpretations of the fourth amendment."

Fisher, Louis.
Congress and the fourth amendment. Georgia law review, v. 21, special issue 1986: 107-170.
Article evaluates the performance of Congress in contributing to fourth amendment law. "From 1789 to the present, members of Congress have been deeply involved in the development of fourth amendment law. They have often had to explore search and seizure issues without guidance from judicial rulings. With few exceptions, the courts have accepted congressional judgments as consistent with the fourth amendment."

Foster, Bradley W.
Warrantless aerial surveillance and the right to privacy: the flight of the fourth amendment. Journal of air law and commerce, v. 56, spring 1991: 719-763.
Article addresses "the following: (1) the history of the fourth amendment right to privacy; (2) the decisions of the Supreme Court with respect to aerial surveillance; (3) the Court's apparent abandonment of traditional fourth amendment privacy rights in

aerial surveillance cases; and (4) a proposal that search warrants be required in order for government officials to invade privacy interests through aerial surveillance."

Fritzler, Lee Anne.

Optimality in fourth amendment law. American criminal law review, v. 27, no. 3, 1990: 473-524.

"In this Article, I will first focus the inquiry by emphasizing the importance of distinguishing the substance of fourth amendment law from the processes by which it is implemented. Next, after establishing the constitutional appropriateness of a cost-benefit approach to fourth amendment jurisprudence, I will set out in a systematic fashion the relevant costs and benefits that should be weighed in setting the bounds of fourth amendment protection .... Finally, I will use the information gleaned from an analysis of fourth amendment optimality to formulate guidelines that would most correctly strike the balance between competing interests."

Gavenman, Jon.

Florida v. Riley: the descent of fourth amendment protections in aerial surveillance cases. Hastings constitutional law quarterly, v. 17, summer 1990: 725-757.

"In 1989, the Supreme Court decided Florida v. Riley, which held that helicopter surveillance 400 feet over defendant Riley's backyard greenhouse was not a search under the fourth amendment .... This [case note] argues that the Supreme Court, by misapplying the Katz reasonable expectation of privacy standard, establishes a test of fourth amendment protections that is too restrictive and is contrary to the goals of personal security protection embodied in the fourth amendment."

Giamboi, Joseph J.

Challenging factory surveys: the aftermath of Immigration & Naturalization Service v. Delgado. Brooklyn journal of international law, v. 12, Mar. 1986: 423-467.

Comment "examine[s] the legislative and case history of factory surveys prior to Delgado. It then analyze[s] Delgado in that historical context and the full fourth amendment jurisprudence. Finally, this Comment consider[s] whether the international human right to be free from arbitrary arrest is violated by the factory survey and whether that right may be pleaded in American courts by means of the due process clause of the fifth amendment."

Grant, Rith W.

The exclusionary rule and the meaning of separation of powers. Harvard journal of law & public policy, v. 14, winter 1991: 173-204.

Article argues that under the separation of powers theory "the judiciary is an integral part of the entire process of criminal prosecution and thus shares constitutional and moral responsibility for the government's conduct from start to finish .... Therefore the exclusionary rule is constitutionally required."

Hansen, Daniel R.

Warrantless aerial surveillance and Florida v. Riley: the loss of liberty. Utah law review, v. 1990, no. 2, 1990: 407-438.

Note states that "in Florida v. Riley, the United States Supreme Court held that a police officer's naked-eye observations of a greenhouse in a residential backyard from a helicopter circling at 400 feet was not a search under the fourth amendment. As only the third aerial surveillance case decided by the Supreme Court, Riley represents an alarming trend .... By specifically endorsing helicopter surveillance, the Supreme Court in Riley has placed personal privacy at grave risk."

Haug, David.

United States: extraterritorial application of the fourth amendment--United States v. Verdugo-Urquidez, 110 S. Ct. 1056 (1990). Harvard international law journal, v. 32, winter 1991: 295-301.

"In United States v. Verdugo-Urquidez, the Supreme Court held that the fourth amendment does not apply to United States federal agents searching the foreign home of a nonresident alien who lacks substantial connections to the United States. This is the first case in which the Supreme Court has addressed the extraterritorial applicability of the fourth amendment, and its impact will be significant in light of increasing United States enforcement activity abroad as well as in the impending Manuel Noriega trial."

Heffernan, William C.

On justifying fourth amendment exclusion. Wisconsin law review, v. 1989, no. 6, 1989: 1193-1254.

"In United States v. Leon, the United States Supreme Court held that a defendant does not have a fourth amendment right to the exclusion of evidence obtained in violation of her rights under that amendment . . . . In this Article, Professor Heffernan challenges the Court's assertions and argues that exclusion is implicitly required by the fourth amendment . . . . Drawing on the fact patterns of two early Supreme Court exclusionary cases to illustrate his claims, the author concludes that the fourth amendment implicitly precludes use of the fruits of a fully accomplished wrong against a person who was the victim of such a wrong."

Intrusive border searches--what protection remains for the international traveler entering the United States after United States v. Montoya de Hernandez and its progeny? Vanderbilt journal of transnational law, v. 70, Aug. 1987:551-583.

The comment examines the standards for "searches developed by the different circuits as well as the latitude allowed customs agents in carrying out such searches. It will also delve into the effect which Montoya de Hernandez and its progency have had on this area of the law. Finally, this Note will propose possible solutions to the present confusion in the law."

Junker, John M.

The structure of the fourth amendment: the scope of the protection. Journal of criminal law & criminology, v. 79, winter 1989: 1105-1184.

"Fourth amendment doctrine consists of three foundational elements: scope, content, and remedy. This essay examines the first of these elements: the scope of the protection against unreasonable searches and seizures under the fourth amendment. Its purpose is to describe and assess the doctrine that determines whether that amendment governs the conduct sought to be remedied."

Katz, Lewis R.

The automobile exception transformed: the rise of a public place exemption to the warrant requirement. Case Western Reserve law review, v. 36, no. 3, 1986: 375-430.

"Article explores the genesis and unchecked growth of the automobile exception from a necessary outgrowth of the exigencies of protecting police officers and preventing tampering with evidence, to a confusing morass of interchangeably applied and contradictory rationales and unworkable, 'bright-line' rules."

In search of a fourth amendment for the twenty-first century. Indiana law journal, v. 65, summer 1990: 549-590.

"The Article urges a measure of fourth amendment protection for citizens who suffer governmental 'intrusions' by borrowing from the arrest/stop dichotomy which already serves to define seizures under the fourth amendment. This new analytical framework would result in a two-tiered system of fourth amendment coverage embracing both searches and intrusions. Searches would be governed under now existing law while intrusions would be evaluated under a flexible reasonableness standard."

Kingston, Kimberly A.

Intrusive body searches: a question of reasonableness. FBI law enforcement bulletin, v. 56, Feb. 1987: 22-30.

"All fourth amendment searches fall into three general categories: some searches, because they are minimally intrusive, may be conducted without a warrant; other searches, because they are more intrusive or implicate higher privacy values, require warrants; and still other searches, because they are so intrusive or involve such high levels of privacy, simply may not be conducted notwithstanding the existence of a warrant. Although intrusive body searches raise issues of personal privacy and dignity not normally raised by other types of searches, they may still fall into any one of these three categories."

Lanning, Kenneth V.

Child molesters: a behavioral analysis for law-enforcement officers investigating cases of child sexual exploitation. 2nd ed. Arlington, Va., National Center for Missing and Exploited Children, 1987 [i.e., 1989]. 58 p.

Partial contents.--The law-enforcement investigation.--Identifying pedophiles.--Collection of child pornography and erotica.--Investigative difficulties.--Considerations in obtaining and using expertise search warrants in cases of preferential child molesters, by Janet E. Kosid.

Lembke, Matthew H.
The role of police culpability in Leon and Youngblood. Virginia law review, v. 76, Sept. 1990: 1213-1250.

"The Court in [Arizona v.] Youngblood created a single requirement that a defendant must meet to establish a constitutional violation: the defendant must show that, in destroying the evidence, the police acted in bad faith .... In the United States v. Leon, the Court confronted a case in which police had obtained evidence incriminating defendants during a search conducted pursuant to a facially valid search warrant which was subsequently declared invalid .... The Court held that evidence obtained by police acting in good faith reliance on a facially valid search warrant will not be excluded, even if the warrant is later found to be invalid .... This Note examines the propriety of making police culpability essential to a defendant's obtaining relief for an alleged constitutional violation in the Youngblood and Lecn contexts."

Lincoln, Eugene A.
Searches and seizures: the U.S. Supreme Court's decision on the fourth amendment. Urban education, v. 21, Oct. 1986: 254-262.

"In New Jersey v. T.L.O. (1985), the Supreme Court clarified and limited the student's fourth amendment rights against 'unreasonable searches and seizures' .... The purpose of this article is to discuss the T.L.O. decision and offer suggestions for teachers or other school officials."

Loewy, Arnold H.
Police-obtained evidence and the Constitution: distinguishing unconstitutionally obtained evidence from unconstitutionally used evidence. Michigan law review, v. 87, Apr. 1989: 907-939.

Article concludes that "whether evidence is unconstitutionally obtained or unconstitutionally used makes a difference. If the only constitutional wrong inheres in using the evidence, the Court has no business considering concepts of deterrence. The Court should prohibit only use of such evidence. Conversely, when obtaining evidence is the constitutional wrong, exclusion should be subjected to a cost/benefit analysis. If allowing third-party standing would deter the objectionable practice, such standing should be permitted. It is immaterial whether the third party's rights were violated because redress of individual rights is not the basis for exclusion."

Lohraff, Timothy R.
United States v. Leon and Illinois v. Gates: a call for State courts to develop State constitutional law. University of Illinois law review, v. 1987, no. 2, 1987: 311-353.

Note considers two cases having to do with fourth amendment law. Author "argues that the trend toward state constitutional decision making is a historically sound exercise of federalism . . . and that state courts should increase state constitutional protection against unreasonable searches and seizures."

Maclin, Tracey.
The decline of the right of locomotion: the fourth amendment on the streets. Cornell law review, v. 75, Sept. 1990: 1258-1337.

"Adopting the perspective of the citizen on the street, this Article examines the Court's proffered justifications for limiting the right of locomotion, and explores whether these justifications are consistent with the Court's own promise to protect the citizenry from 'arbitrary and oppressive' police behavior."

New York v. Class: a little-noticed case with disturbing implications. Journal of criminal law & criminology, v. 78, spring 1987: 1-86.

Article holds that the 1986 Class decision means that the "Supreme Court has broken new ground in search and seizure law and has handed to police broad and unprecedented powers that will affect encounters between motorists and police officers."

Mahon, Christopher J.
Intoxication and the law: drunk driving. Annual survey of American law, v. 1985, Jan. 1986: 229-255.

Article reviews legal cases and State laws concerning "drinking age;. . . vendor, social host, and government liability"; sobriety checkpoints; and blood and breath tests."

Meyer, Andrew H.
Customs inspectors and international mail: to open or not to open? Vanderbilt journal of transnational law, v. 21, no. 4, 1988: 773-807.
Contents.--Introduction.--Statutes and regulations pertaining to mail searches.--Cases construing the statutes and regulations.--Analysis.--Conclusion.
"This Note analyzes the United States statutes and regulations prescribing the standards for the search and seizure of international mail entering and leaving this country."

Nelson, Caleb.
The paradox of the exclusionary rule. Public interest, no. 96, summer 1989: 117-130.
"Growing evidence suggests that the exclusionary rule, in addition to freeing criminals, also encourages judges to undermine individual rights. As many legal scholars have suggested, a close look at Supreme Court cases of the past two decades indicates that the rule's existence is causing a steady constriction in the effective scope of the fourth amendment, as the Court condones questionable police behavior rather than suppress crucial evidence."

Peluso, Ernest F.
In search of the automobile. Army lawyer, no. 157, Jan. 1986: 23-29.
Article surveys the relevant decisions on searches "which allow the government greater latitude when police officials intrude into motor vehicles and obtain evidence to be used in a criminal prosecution."

Politics of diplomacy; thorny issue: peeking into a privileged pouch. New York times, Aug. 1, 1988: B6.
Discusses legislation which would prevent abuses of diplomatic pouches.

Raimo, Angela M.
Fourth amendment challenges: the legality of searching children. Journal of alcohol and drug education, v. 36, winter 1991: 73-81.
"The focus of this article is the recent application and interpretation of the Fourth Amendment to school children."

Reexamining the constitutionality of INS workplace raids after the Immigration Reform and Control Act of 1986. Harvard law journal, v. 100, June 1987: 1979-2000.
Comment "argues that the [Immigration Reform and Control] Act, rather than symbolizing an increase in the INS's power and a ratification of courts' incremental erosion of the liberty interests of citizens and lawfully resident aliens, requires that courts reexamine the constitutionality of workplace raids."

Sauls, John Gales.
Curtilage: the fourth amendment in the garden. FBI law enforcement bulletin, v. 59, May 1990: 26-32.
Discusses the "legal standards used in defining the physical limits of curtilage." The article also discusses "protections associated with curtilage and the limitations placed upon law enforcement officers by these protections," and addresses "guidelines that may be used by officers who need to determine the boundaries of a particular residence's curtilage."

Emergency searches of premises. FBI law enforcement bulletin, v. 56, Mar. 1987: 23-30; Apr.: 24-30.
Part I covers "a variety of circumstances justifying a warrantless search of premises in response to a perceived threat to life." Part II "considers the requirements for lawful warrantless searches of premises by officers responding to perceived dangers of escape by criminals or destruction or removal of evidence."

Traffic stops: police powers under the fourth amendment. FBI law enforcement bulletin, v. 58, Sept. 1989: 26-31.

Discusses the procedures that are proper for a police officer to use when making traffic stops and discusses the guidelines that the fourth amendment, governing searches and seizures, impose upon police actions in traffic stops.

Schroeder, William A.

Factoring the seriousness of the offense into fourth amendment equations--warrantless entries into premises: the legacy of Welsh v. Wisconsin. Kansas law review, v. 38, spring 1990: 439-559.

"In Welsh v. Wisconsin [1984] the United States Supreme Court expressly held that the seriousness of an offense is relevant to whether a search or seizure is reasonable under the fourth amendment . . . . The issue's lead Article, by Professor William A. Schroeder analyzes problems that Welsh raises and evaluates the state and lower federal courts' diverse treatment of the questions. To distinguish among offenses, Professor Schroeder advocates a bright-line test that corresponds with the rationale that most jurisdictions follow to differentiate between felonies and misdemeanors."

Serr, Brian J.

Great expectations of privacy: a new model for fourth amendment protection. Minnesota law review, v. 73, Feb. 1989: 583-642.

Article argues that the Supreme Court's recent ruling in California v. Greenwood, which allowed "government searches of trash . . . speaks volumes about the future scope of the constitutional prohibition against unreasonable searches and seizures."

Smith, Mark Lloyd.

Warrantless aerial surveillance: searching for constitutional standards. Journal of air law and commerce, v. 52, fall 1986: 257-301.

"Without specific guidance from the Supreme Court, the factors considered by lower courts in assessing the reasonableness of aerial searches have varied from case to case . . . . The time has come to establish constitutional standards for aerial surveillance, this comment suggests."

Stevens, Michael L.

Examining the "good faith" exception to the exclusionary rule and its application to commanders' search authorizations. Army lawyer, no. 162, June 1986: 55-64.

"Absent a significant overhaul of the requirements for military search authorizations, applying the 'good faith' exception to military commanders is not yet supported by the Supreme Court's holding in United States v. Leon."

Stewart, David O.

The drug exception. American Bar Association journal, v. 76, May 1990: 42, 44, 46, 48.

"The drug exception--though still never mentioned in a reported case--has come to dominate the Supreme Court's Fourth amendment decisions." Discusses the United States v. Verdugo-Urquidez case, where the Supreme Court ruled "by a 6-3 margin to admit evidence seized in Mexico by American and Mexican officials," at the request of an American DEA agent.

Stick, Rebecca A.

Airport drug searches: giving content to the concept of free and voluntary consent. Virginia law review, v. 77, Feb. 1991: 183-209.

Comment "raised the issue of whether any airport encounter or consent to search is ever purely voluntary and concludes that the only defensible justification for a search is reasonable suspicion or probable cause that the detained passenger is guilty of criminal conduct."

Stone, Robert F.

Roadside sobriety checkpoints: a synopsis of current case law. Police chief, v. 52, July 1985: 61-63.

Reviews twelve major State court decisions favoring and opposing checkpoints, based on a balancing of "the motorist's right to privacy against the state's interest in prohibiting drunk drivers from using public roads."

Strossen, Nadine.

The Fourth amendment in the balance: accurately setting the scales through the least intrusive alternative analysis. New York University law review, v. 63, Dec. 1988: 1173-1267.

"In interpreting the extent of fourth amendment protection against unreasonable search and seizure, the Supreme Court has moved away from the application of categorical rules, resorting instead, with increasing frequency, to a 'general reasonableness' or 'balancing' test. In this Article, Professor Strossen criticizes the use of this balancing test in principle due to its inherent subjectivity, its tendency to deprive constitutional rights of the special protection they deserve, and the likelihood that the test will produce inconsistent results . . . . She recommends that the fourth amendment balancing test include a 'least intrusive alternative' component."

Michigan Department of State Police v. Sitz: a roadblock to meaningful judicial enforcement of constitutional rights. Hastings law journal, v. 42, Jan. 1991: 285-390.

"In Michigan Department of State Police v. Sitz, the Supreme Court rejected a fourth amendment challenge to mass, suspicionless searches and seizures at drunk driving roadblocks. In this Article [the author] analyzes the long-range constitutional impact of Sitz . . . . She concludes that [the Court's] tendency to read a constitutional guarantee as assuring only non-discrimination in the exercise or deprivation of rights, characteristic of the Rehnquist Court's constitutional jurisprudence in general, has seriously weakened the foundation of liberty established by the Bill of Rights."

Taylor, Stuart.

Fighting crime with lawlessness. Legal times, v. 13, Apr. 15, 1991: 31.

Comments on the Bush Administration's efforts to "'reform' the longstanding rule excluding evidence obtained in violation of the Fourth amendment ban on 'unreasonable searches and seizures.'"

U.S. Congress. House. Committee on Rules.

Providing for the consideration of a bill relating to the Omnibus Drug Initiative; supplemental report to accompany H. Res. 521 and to supersede H. Rept. 100-861. Washington, G.P.O., 1988. 70 p. (Report, House, 100th Congress, 2nd session, no. 100 861, part 2)

U.S. Congress. Senate. Committee on the Judiciary.

To modify the exclusionary rule. Hearing, 99th Congress, 1st session on S. 237. Oct. 2, 1985. Washington, G.P.O., 1986. 94 p. (Hearing, Senate, 99th Congress, 1st session, S. Hrg. 99-211)

U.S. Dept. of Justice. Office of Legal Policy.

Report to the Attorney General on the search and seizure exclusionary rule. [Washington] The Office [1988] 74 p.

Uviller, H. Richard.

Does it protect your garbage: the fourth amendment. Nation, v. 247, Oct. 10, 1988: 302-304.

Discusses the implications of the Supreme Court's 1988 decision in California v. Greenwood, which held that a trash bag put on the street for collection was not subject to the constitutional protection against unreasonable searches and seizures.

Wagner, Allen E.

The good faith exception to the exclusionary rule: some implications for the police. Journal of criminal justice, v. 15, no. 1, 1987: 75-91.

"Since 1961, when the United States Supreme Court ruled that evidence obtained by unreasonable search and seizure would not be admissible as evidence in state courts, police officers have had to work within the constraints imposed by the so-called 'exclusionary rule.' This article traces the history of the exclusionary rule, reviews the Supreme Court's changing rationale for its existence, and examines a variety of proposed alternatives."

Walls, LeAnn J.

Criminal procedure: developments in search and seizure law. Annual survey of American law, v. 1988, Feb. 1990: 669-703.

"The United States Supreme Court decided six major cases in the 1986-87 term concerning the fourth amendment to the Constitution. Five of these cases seriously eroded the fourth amendment warrant and probable cause requirements."

Wasserstrom, Silas J.

The Court's turn toward a general reasonableness interpretation of the fourth amendment. American criminal law review, v. 27, summer 1989: 119-148.

Article finds that while the Supreme Court in recent years "has generally been inhospitable toward both substantive fourth amendment claims and toward the exclusionary rule as a way to enforce those claims," preferring a balancing test based on general reasonableness, "in three cases decided during the past five years, Welsh v. Wisconsin, Winston v. Lee, and Tennessee v. Garner, the Court in effect utilized a test of general reasonableness to strengthen fourth amendment protections when it struck down as unreasonable searches or seizures that satisfied the demands of the warrant clause."

Wasserstrom, Silas J. Seidman, Louis Michael.

The fourth amendment as constitutional theory. Georgetown law journal, v. 77, Oct. 1988: 19-112.

Article holds "that the unsatisfactory state of search and seizure law can be understood only by examining it against the backdrop of broader currents in constitutional theory. The radical shift in the Court's understanding of the fourth amendment has come at a time of unusual controversy concerning the fundamental techniques of constitutional adjudication. Although search and seizure questions annually occupy a large percentage of the Court's constitutional docket, virtually no work has been done on the implications that modern constitutional theory holds for fourth amendment questions."

Weissman, Matthew M.

People v. Torres and the limits of State constitutionalism: has the court of appeals forgotten the cop? Columbia journal of law and social problems, v. 24, no. 2, 1991: 299-349.

"Motivated by influential jurists, state constitutional history and tradition, and changes in the Supreme Court's attitude toward the protection of individuals' rights, many state courts have relied on their state constitutions to build above the federal floor of constitutional protections laid down by the Supreme Court. While this process has been well-documented, the dangers inherent in state court abuse of this power have not. The [Note] cautions against such abuse, arguing that a recent New York decision to expand search and seizure protection was not based on state constitutional history, common law tradition or sound public policy, and unjustifiably endangers police officers and the public."

Wilkins, Richard G.

Defining the "reasonable expectation of privacy": an emerging tripartite analysis. Vanderbilt law review, v. 40, Oct. 1987: 1077-1129.

The article maintains that since Katz v. United States, the Supreme Court "focuses on three interrelated inquiries in determining whether governmental surveillance violates a 'reasonable expectation of privacy:' (1) the place or location where the surveillance occurs; (2) the nature and degree of intrusiveness of the surveillance itself; and (3) the object or goal of the surveillance." Analyzes use of three inquiries in other cases and suggests that "fourth amendment 'search' jurisprudence would become substantially less hazy--and the decision of concrete cases significantly simplified--if the Supreme Court and lower federal courts were to adopt explicitly this multi-factor analysis."

Winn, Peter A.

Seizures of private property in the war against drugs: what process is due? Southwestern law journal, v. 41, Feb. 1988: 1111-1134.

"Few, if any, limitations exist on the government's power to make seizures under the drug statutes. A preseizure judicial review would place a minimal burden on law enforcement officers, provide an important safeguard against erroneous deprivations of property, and meet the constitutionally required constraint on what is otherwise the unrestricted power of the government to seize private property under the ancient name of forfeiture."

C. DRUGS

Adams, Edward S.

Random drug testing of government employees: a constitutional procedure. University of Chicago law review, v. 54, fall 1987: 1335-1372.

Comment holds that "random drug testing of government employees is entirely consistent with fourth amendment guarantees if the government observes certain constitutional safeguards."

Alcohol & drugs in the workplace: costs, controls, and controversies; a BNA special report. Rockville, Md., Bureau of National Affairs, 1986. 136 p.

Partial contents.--Rules & policies against abuse.--Drug testing.--Employee assistance plans.--Employee- management developments.--Legal/legislative developments.--Case studies.--Views of the experts.

America after prohibition: the next debate over drug legalization: how would it work? Reason, v. 20, Oct. 1988: 22-29.

Contents.--The corner drugstore, by David Boaz.--Stop taxing non-addicts, by Milton Friedman.--Education first, by Norman E. Zinberg.--Stringent regulation, by Georgette Bennett.--Individual responsibility, by Ron Paul.--Help victims, by Ethan Nadelmann.--No special treatment, by Ernest Van den Haag.--Legalize everything, by Charles Paul Freund.--The worst case, by Arnold S. Trebach.

American Medical Association. Council on Scientific Affairs.
Issues in employee drug testing. JAMA [Journal of the American Medical Association], v. 258, Oct. 16, 1987: 2089-2096.

Addresses constitutional, statutory, regulatory, and common law principles involved in testing urine for drug use in the civilian workplace. Offers recommendations on drug testing policy to the American Medical Association.

American Occupational Medical Association. Committee on Ethical Practice in Occupational Medicine.
Drug screening in the workplace: ethical guidelines; committee report. Journal of occupational medicine, v. 28, Dec. 1986: 1240-1241.

Comments that "if appropriate constraints are observed, it is ethically acceptable to screen employees and prospective employees for the presence in their bodies of drugs, including alcohol, that might afflict ability to perform work in a safe manner." Lists ten considerations which should be included in such drug screening programs.

Association of the Bar of the City of New York. Committee on Labor and Employment Law.
Drug testing in the workplace. Record of the Association of the Bar of the City of New York, v. 43, May 1988: 447-488.

"This report seeks to identify the competing interests raised by drug abuse and testing (Part 1), the common features of employer testing programs (Part II), and the medical and legal issues raised by such programs (Parts III and IV). Recent legislative efforts to regulate drug testing programs are discussed in Part V, and the Committee's conclusions and recommendations are set forth in Part VI."

Bennett, William.
Should drugs be legalized? Reader's digest, v. 136, Mar. 1990: 90-94.

The Director of the Office of National Drug Control Policy examines arguments for the legalization of drugs and concludes that "the simple fact is that drug use is wrong. And the moral argument, in the end, is the most compelling argument. A citizen in a drug-induced haze, whether on his back-yard deck or on a mattress in a ghetto crack house, is not what the founding fathers meant by the 'pursuit of happiness.' Despite the legalizers' argument that drug use is a matter of 'personal freedom,' our nation's notion of liberty is rooted in the ideal of a self-reliant citizenry."

Berkman, Dave.
Dissecting the latest national crisis. Quill (Chicago), v. 74, Oct. 1986: 20-23.

Evaluates whether the nation's press is "helping to create an atmosphere supportive of compulsory drug testing, in which such basic and traditional American liberties as the right to privacy and presumptions of innocence are to be ignored or accorded only incidental import."

Berrien, Jacqueline.
Pregnancy and drug use: the dangerous and unequal use of punitive measures. Yale journal of law and feminism, v. 2, spring 1990: 239-250.

Article criticizes "the effort to sanction, through criminal proceedings, the behavior of [drug-addicted] women during their pregnancies . . . . It frequently compromises or sacrifices important civil rights and liberties, while undermining the most promising solution to the problem: the provision of adequate prenatal and neonatal health care, including drug treatment tailored to meet any special needs of the pregnant or postpartum woman."

Bible, Jon D.
Update: employee urine testing and the fourth amendment. Labor law journal, v. 40, Nov. 1989: 675-691.

"If an employer can show that the nature of the work involved justifies efforts to detect impaired employees, and if tests are conducted under a policy narrowly tailored to minimize the intrusion on employee privacy and to limit the discretion of those giving the tests, the tests will likely withstand judicial scrutiny, even absent reason to suspect individual drug use."

Bliss, Donald T.
Employee drug testing: lessons to be learned from the transportation initiative. Federal Bar news & journal, v. 35, July-Aug. 1988: 280-285.

"The director of the [Federal Bar Association's] Working Group on drug testing of transportation workers discusses both the constitutional principles and policy issues involved in federal employee drug testing proposals."

Boaz, David.
Let's quit the drug war. New York times, Mar. 17, 1988: A31.

Vice-president of the Cato Institute argues in favor of drug legalization, saying "we can either escalate the war on drugs, which would have dire implications for civil liberties and the right to privacy, or find a way to gracefully withdraw."

Bolus, Paul P.
Random drug testing in the government sector: a violation of fourth amendment rights? Tulane law review, v. 62, June 1988: 1373-1397.

"Comment will begin with an analysis of the fourth amendment and the varying standards the courts use in deciding governmental drug testing cases. It will then analyze both the early urinalysis cases and the most recent ones. Finally, this Commment will look toward the future of urinalysis testing in the governmental sector."

Bompey, Stuart H.
Drugs in the workplace: from the batter's box to the boardroom. Journal of occupational medicine, v. 28, Sept. 1986: 825-832.

Surveys "the legal implications associated with drug testing, and will attempt to provide employers with guidelines for addressing what has become a complicated legal, economic, and ethical issue."

Bookspan, Phyllis T.
Jar wars: employee drug testing, the Constitution, and the American drug program. American criminal law review, v. 26, fall 1988: 359-400.

"National Treasury Employees Union v. Von Raab and Railway Labor Executives Association v. Burnley, involve relatively narrow circumstances and do not address the type of widespread, mandatory random testing that was envisioned by President Reagan's Executive Order and is now being promulgated by the federal agencies . . . . This Article analyzes these two cases and suggests their appropriate resolution by exploring and analyzing traditional fourth amendment precepts, pending litigation and previous decisions in the lower federal and state courts. This Article also suggests that since employee drug testing is only a tangential issue to the problem of drug abuse in our society, solutions should be based on attacking drug use, not on attacking constitutional protections."

Bradley, Gregory.
Drug testing in the workplace: a public sector concern. Howard law journal, v. 31, no. 1, 1989: 49-59.

"The purpose of this article is to discuss the legal issues of drug testing in the public sector. Part II discusses the executive order requiring mandatory drug programs to be implemented in the federal workplace. Part III describes some of the scientific and technical requirements for drug testing of federal employees. Part IV then provides an overview of the legal issues and specific employee challenges of drug testing policies in the public sector."

Buckner, Kathryn A.

School drug tests: a fourth amendment perspective. University of Illinois law review, v. 1987, no. 2, 1987: 275-310.

Comment considers the constitutionality of a New Jersey school district's policy requiring all high school students to undergo urinalysis drug tests. Author concludes "that the School District's Policy is unconstitutional under both traditional fourth amendment principles and the modern balancing analysis."

Cangianelli, Leo A.

The effects of a drug testing program in the Navy. In Committee on Problems of Drug Dependence (U.S.). Scientific Meeting (51st : 1989 : Keystone, Colo.). Problems of drug dependence; proceedings. Editor, Louis S. Harris. Rockville, Md., National Institute on Drug Abuse, 1990. p. 211-217. (NIDA research monograph 95)

"The Navy's urinalysis program remains a national standard for a sound, valid, and legally-supportable testing plan. Analysis indicates that the multi-faceted approach of urine testing for identification and deterrence, appropriate application of discipline, and referral for treatment and counseling when relevant, are the essential features of a successful drug prevention and control program."

Cecere, Michael S. Rosen, Philip B.

Legal implications of substance abuse testing in the workplace. Notre Dame law review, v. 62, no. 5, 1987: 859-878.

"The Article consists of four component parts: Part one examines the impact of substance abuse testing on employees' privacy rights, Part two looks into the impact of handicap and discrimination laws, Part three focuses on collective bargaining agreements, and Part four suggests criteria for effective substance abuse testing programs in both the public and private sector. The authors conclude that such testing may be lawfully conducted in both the public and private sectors within defined parameters."

Chavkin, Wendy.

Drug addiction and pregnancy: policy crossroads. American journal of public health, v. 80, Apr. 1990: 483-487.

Society has responded to the problem of pregnant women taking drugs "in three different ways: criminal prosecution of the mother; allegations of child neglect against the mother with interruption of maternal custody; and drug treatment. The purpose of this article is to explore each of these policy approaches in an effort to ascertain whether each furthers the goal of reducing drug use during pregnancy and improving maternal and infant health and well-being."

Cochran, David R.

The privacy expectation: a comparison of Federal and California constitutional standards for drug testing in amateur athletics. Hastings constitutional law quarterly, v. 17, spring 1990: 533-565.

Comment "examines the conflict between an amateur athlete's right to privacy under the United States and California Constitutions and the mandate of the National Collegiate Athletic Association (NCAA) that all student-athletes be tested for specified banned drugs or be prevented from participating in college athletics."

Constitutional information on key amendments to the omnibus drug bill. Prepared by Republican Leadership Task Force on Drugs. Washington, House Republican Research Committee, 1988. 4 p.

Summarizes amendments adopted by the House for addition to the Omnibus Drug Initiative Act.

Cooper, Charles J.

The constitutionality of drug testing. Federal Bar news & journal, v. 35, Oct. 1988: 359-363.

"Former Assistant Attorney General of the United States presents a thorough analysis of the constitutional principles relating to drug testing, with a useful Appendix of relevant case law."

Cornish, Craig M.

Drugs and alcohol in the workplace: testing and privacy. Wilmette, Ill., Callaghan, 1988. 397 p.

Curran, William J.
Compulsory drug testing: the legal barriers. New England journal of medicine, v. 316, Feb. 5, 1987: 318-321.
Examines "three recent cases decided by federal district courts in New Jersey, Tennessee, and Louisiana" which shed doubt on the constitutionality of compulsory drug testing.

Curriden, Mark.
Holding mom accountable. American Bar Association journal, v. 76, Mar. 1990: 50-53.
"On July 13, 1989, Jennifer Johnson, 23, was convicted in Sanford, Fla., of delivering cocaine to her newborn child through the umbilical cord. It was the first success by a state in attempting to regulate illegal behavior during pregnancy through drug and child-abuse laws."

Deivert, Richard G.
The role of the Constitution in the drug testing of student athletes in the public school. Journal of alcohol and drug education, v. 36, winter 1991: 32-41.
"This paper will examine whether the fourth amendment applies to the relationship between a student and an educational institution, and whether the drug tests do qualify as a search within the meaning of the fourth amendment. Considerations of whether a drug test is an illegal search and seizure in violation of the fourth amendment will also be discussed."

Denenberg, Alan E.
Corporate drug testing: private employers' right to test. Delaware journal of corporate law, v. 12, no. 3, 1987: 951-989.
Comment concludes that "corporations which implement drug screening programs must not misconceive these procedures as a substitute for effective drug education and rehabilitation."

Denison, James.
The efficacy and constitutionality of criminal punishment for maternal substance abuse. Southern California law review, v. 64, May 1991: 1103-1141.
"The attention fetal abuse has received has itself created a new concern: whether attempts at curbing fetal abuse, especially through criminalization, inflict more harm than they prevent. This Note focuses on this secondary effect of the fetal abuse phenomenon in the criminal context."

Drug abuse: opposing viewpoints. St. Paul, Minn., Greenhaven Press, 1988. 212 p. (Opposing viewpoints series)
"Explores some of the questions most often raised in the drug abuse controversy . . . . Like other anthologies in [this] series, it does not offer 'right' answers." Includes reprints of articles presenting pro and con arguments for various drug abuse topics.

The Drug legalization debate. Edited by James A. Inciardi. Newbury Park, Calif., Sage Publications, 1991. 230 p. (Studies in crime, law, and justice, v. 7)

Drug legalization: now or never? World & I, v. 5, May 1990: 108-119.
"To discuss the pros and cons of drug legalization as well as the root causes of the drug epidemic in America, The World & I invited four distinguished experts to participate in a special forum: Edwin Meese, former U.S. attorney general; Reggie Walton, deputy director for the Office of National Drug Control Policy; David Boaz, senior fellow at the Cato Institute; and Eric E. Sterling, president of the Criminal Justice Policy Foundation."

Drug testing and your rights. Public employee (AFSCME), v. 51, Nov.-Dec. 1986: 6-15.
Eight brief companion articles look at the "stampede toward drug testing across the nation, and [how] public employees became chief targets of the mania."
Partial contents.--Jar wars.--How would AFSCME handle the drug problem?--What police think about drug testing.--Further information about drug testing & employee assistance programs.

Drug testing in the workplace. Washington, Bureau of National Affairs, 1989. 278 p.

Drug testing in the workplace--are methods legally defensible? A survey of experts, arbitrators and testing laboratories. JAMA [Journal of the American Medical Association], v. 258, July 24-31, 1987: 504-509.

"To evaluate the legal defensibility of the methods used for drug testing, [the authors] conducted a survey of technical experts, testing laboratories, and arbitrators. Experts reported wide differences in the legal defensibility of methods rated. Arbitrators had considerable experiences in drug use cases and understood the critical role of urinalysis results, but were unable to distinguish legal defensibility of analytical methods."

Drug testing: overview for motor carrier. Alexandria, Va., American Trucking Associations, 1989. 82 p.

Drug testing: protection for society or a violation of civil rights? Prepared by the National Association of State Personnel Executives and the Council of State Governments. Lexington, Ky., The Council, 1987. 87 p.

"A selection of presentations from a conference sponsored by The Council of State Governments and the National Association of State Personnel Executives. This volume of work includes detailed legal synopses and examples of drug testing legislation that has been passed or introduced in the states, and will serve as a resource for state officials who must confront the issue."

The Drugging of the courts: how sick is the patient and what is the treatment? Judicature, v. 73, Apr.-May 1990: 314-321.

Presents an edited version of a panel presentation at the midyear meeting of the American Judicature Society in Los Angeles on February 10, 1990. Panelists discuss the effects that America's drug epidemic has had on the court system. Among the topics addressed are drug testing and fourth amendment rights, increased caseloads, and treatment of addicts.

Drugs in trucking. Heavy duty trucking, v. 68, Dec. 1989: 50-59; v. 69, Jan. 1990: 78-80, 85-87; Feb.: 66-69; Mar.: 80-84, 88, 90; Apr.: 120-121, 124, 126, 128, 130, 132.

Continuing series of articles by editors Tom Kelly, Deborah Whistler, and Patricia McCullough describes for operators of trucking firms the new Federal Highway Administration regulations regarding drug testing of drivers, the controversies surrounding both random and post-accident testing, tips for organizing and administering a testing program, and the growing push for alcohol testing.

Eisner, Neil.

Drug testing: regulatory and legal issues confronted by the Department of Transportation. Federal Bar news & journal, v. 35, Oct. 1988: 364-368.

On Jan. 21, 1987, then Secretary of Transportation Elizabeth Dole stated that she believed "a drug testing program that included random drug testing of people holding sensitive safety or security positions in the Department of Transporation or in the transportation industries regulated by the Department was necessary." Assistant General Counsel for Regulation and Enforcement at DOT discusses the basic concepts behind the Department's initiatives, describes the internal program, and discusses some of the legal and practical issues of implementation.

Epstein, Ross A.

Urinalysis testing in correctional facilities. Boston University law review, v. 67, May 1987: 475-505.

Comment "describes the scientific theory behind EMIT [enzyme multiplied immunoassay technique] and the limits of its reliability, analyzes the due process issues raised by EMIT screening programs in prisons, analyzes the fourth amendment issues raised by such programs, [and] proposes guidelines for a drug testing program that would satisfy both the states' interest in security and the prisoners' constitutional interests."

Evans, David G.

Drug testing law, technology, and practice. Deerfield, Ill., Callaghan, 1990- 1 v. (loose-leaf).

Evans, John M.

The NCAA drug program: out of bounds but still in play. Journal of law and education, v. 19, spring 1990: 161-191.

Article "first examines the web of testing procedures and raises questions about the legitimate interest of the program. A second section focuses on the federal and state constitutional limitations. The final part suggests some ways to correct operating procedures, making them more just as well as efficient."

Extejt, Marian M.

The use of pre-employment drug testing: pros and cons. SAM advanced management journal, v. 52, autumn 1987: 10-14, 47.

"Few employers can ignore the loss of productivity and potential for costly damage caused by drug-using employees. Testing job applicants for drug use is the most common--and most controversial--method for eliminating drug users from the work force."

Farber, Daniel A.

Drug-testing cases. Trial, v. 25, June 1989: 14, 16, 18-19.

Examines two Supreme Court decisions (Skinner v. Railway Labor Executives Association and National Treasury Employees Union v. Von Raab) and concludes that "courts have now become sufficiently comfortable with mass searches that they no longer even require a serious justification, so long as the search is neither too intrusive nor totally gratuitous."

Farr, Kathryn Ann.

Revitalizing the drug decriminalization debate. Crime & delinquency, v. 36, Apr. 1990: 223-237.

"In spite of some skepticism regarding their efficacy, strategies that rely on expanded criminalizaton and law enforcement activities have been at the forefront of U.S. drug control policy within the last decade. In this 'get-tough' climate, the drug decriminalization debate has withered. Called for in this article is a revitalization of the debate. To this end, drug decriminalization arguments are categorized and reviewed. Arguments that emphasize citizens' rights are distinguished from those that utilize a 'least harm' approach. Suggestions for further considerations in the criminalization/decriminalization debate are offered."

Felde, Jon.

Drug testing: a constitutional question. State legislatures, v. 15, May-June 1987: 28-30.

"Proposals to test employees for drug use, although excluded from the new federal anti-drug abuse law, are gaining momentum nationwide. But such plans pose a serious challenge to the fourth amendment prohibition against unreasonable search and seizure."

Felman, James. Petrini, Christopher J.

Drug testing and public employment: toward a rational application of the fourth amendment. Law and contemporary problems, v. 51, winter 1988: 253-297.

"Article focuses on the fourth amendment issues presented by the drug testing of public employees. This issue, in a nutshell, is whether an individual may be subjected to a highly intrusive bodily search in the absence of any individualized suspicion to ensure that he does not use drugs, whether at home or on the job . . . . The authors believe that this inquiry leads to the conclusion that testing public employees should be impermissible in the absence of individualized suspicion."

Flannery, Harry A.

Termination of employment for refusal to submit to a drug test. Labor law journal, v. 40, May 1989: 293-301.

"Company anti-drug policies may call for drug screening through physical examinations, even where no cause for reasonable suspicion is apparent, or they may require that reasonable cause exist prior to a drug screen. This article focuses on the latter but reaches conclusions applicable to both policies."

Gallup Organization.

Drug testing at work: a survey of American corporations. [S.l.] Hoffmann-LaRoche, 1988. 109 p. (Corporate initiatives for a drug free workplace)

Reports the findings of "the first statistically representative survey of drug testing policies and practices in companies nationwide," conducted by the Gallup Organization for Hoffman-LaRoche as part of their national effort to keep America's corporate workplaces drug-free.

Glantz, Leonard H.

A nation of suspects: drug testing and the fourth amendment. American journal of public health, v. 79, Oct. 1989: 1427-1431.

"In our well-intended desire to stop the flow of drugs into the country and reduce drug abuse, we are rapidly becoming a nation of suspects. Perfectly law abiding citizens who are under no suspicion of drug use are increasingly being called upon to prove their innocence," the author concludes in reviewing recent legal cases on the topic.

Glink, Shona B.
The prosecution of maternal fetal abuse: is this the answer? University of Illinois law review, v. 1991, no. 2, 1991: 533-580.

"This note briefly addresses the various constitutional, social, moral, and ethical issues raised by the criminal prosecution of pregnant women for what professionals dub 'fetal abuse.' The central focus of this note, however, concerns the concrete realities and current status of criminal liability for pregnant women whose illegal substance abuse causes prenatal injuries to the fetus. Because it appears that imposing criminal liability is the current trend, the concern of this note is the pressing question of how to limit the use of criminal sanctions to best serve the interests and protect the rights of all parties involved, and not the theoretical question of whether criminal sanctions are the best solution to the problem."

Gutherie, Philippa M.
Drug testing and welfare: taking drug war to unconstitutional limits? Indiana law journal, v. 66, spring 1991: 579-607.

"One issue which the Supreme Court may have to consider before the drug war is over is whether welfare benefits can be denied because of a recipient's drug use. Congress has already demonstrated its willingness to hinge eligibility for some government benefits, including public housing, on drug involvement . . . . This [comment] argues that the Supreme Court, despite its recent rulings in Skinner and Von Raab, should not uphold a measure conditioning welfare benefits on passing a drug test."

Halbert, Terry A.
"Coming up dirty": drug testing at the work place. Villanova law review, v. 32, Aug. 1987: 691-718.

"Article focuses on the testing of personnel . . . who are non-unionized, private employees. The article presents only a topical survey of certain issues central to a thorough resolution of the thorny and sensitive problem of drug testing at the workplace, including the present forms of legal resistance available to workers under the common law, potential avenues of constitutional redress and a more focused survey of the competing, yet often overlapping interests of employers, employees and the general public."

Harader, William H.
Drug testing and privacy law. Government information quarterly, v. 5, Feb. 1988: 57-72.

"Suggests conditions under which drug testing should withstand judicial scrutiny. The Reagan administration's program is reviewed in terms of those criteria and with a view toward privacy. The article concludes that the program can be implemented legally with a significant caveat that agencies will have to design their own programs with great care."

Hartsfield, William E.
Medical examinations as a method of investigating employee wrongdoing. Labor law journal, v. 37, Nov. 1986: 767-779.

"With the use of medical examinations to screen for employee drug use expanding, this article will aid the employer in avoiding expensive litigation. Counsel should always be consulted prior to using medical examinations, however, as the law is developing rapidly in this area."

Hartstein, Barry A.
Drug testing in the work place: a primer for employers. Employee relations law journal, v. 12, spring 1987: 577-608.

Partial contents.--Approaches to drug testing.--Testing methodology.--Testing terminology.--The most commonly abused drugs.--Legal overview.--Employee privacy.--Restrictions in the union setting.--Suggested employer guidelines.

Heshizer, Brian. Muczyk, Jan P.
Drug testing at the workplace: balancing individual, organizational, and societal rights. Labor law journal, v. 39, June 1988: 342-357.

Article asserts that mandatory drug testing ordered by President Reagan may affect Federal employees more than private citizens. Examines relevant drug testing case law and its bearing upon public vs. private sectors.

Higginbotham, Jeffrey.
Urinalysis drug testing programs for law enforcement (part I). FBI law enforcement bulletin, v. 55, Oct. 1986: 25-30.

Considers "the legal issues in developing and implementing a mandatory urinalysis drug testing program for law enforcement officers. Part 1 of this article will discuss the basis for such a program and the necessary balancing of the competing interests of the individual officer and the officer's department under a traditional fourth amendment analysis."

Urinalysis drug testing programs for law enforcement (part II). FBI law enforcement bulletin, v. 55, Nov. 1986: 25-30.

"Article will examine the legality of a urinalysis drug testing program which might require testing at various events or occasions . . . . [Also] will discuss the legal issues which must be addressed and resolved once drug testing is implemented and close with a proposed model analysis."

Hoffman, Jan.
Pregnant, addicted--and guilty? New York times magazine, Aug. 19, 1990: 33-35, 44, 53, 55, 57.

"Should mothers be tried as criminals when their babies test positive for drugs? To the dismay of civil libertarians, more and more prosecutors around the country are saying yes." Discusses the case of Kimberly Ann Hardy, a Michigan crack-addicted mother who was charged with "drug delivery to her infant" while pregnant. The article also discusses Lynn Ellen Bemmer, charged with the same offense.

Hogler, Raymond L.
Contractural and tort limitations on employee discipline for substance abuse. Employee relations law journal, v. 13, winter 1987-1988: 480-500.

"Employer efforts to discipline employees for drug and alcohol abuse are subject to challenge in two key areas. Some state courts enforce employer policies set forth in employee handbooks, thus opening the door for employees to contest termination for substance abuse on the basis of contractural rights. In addition, public policy concerns, such as privacy interests, due process rights, and protection against discrimination because of handicap, have been used to support employee claims in the public sector, and may soon gain judicial recognition in the private sector as well."

How to ensure a drug-free congressional office: a Heritage Foundation Seminar for Members of Congress and congressional staff, January 30, 1990. Edited by Jeffrey A. Eisenach and Andrew J. Cowin. Washington, The Foundation, 1991. 43 p.

"Includes discussion of hair analysis, random drug testing, employee assistance programs, and civil liberties issues related to drug-free workplace programs. Participants include Rep. Joseph Barton (R-Texas); Rep. Robert Walker (R-Pennsylvania); Robert DuPont, president of the Institute for Behavior and Health, Inc.; Jeanne Trumble of the National Institute for Drug Abuse; Chris Berka of the Psychemedics Corporation; and Richard K. Willard, a partner in the law firm Steptoe and Johnson."

Insights: drug testing. Journal of policy analysis and management, v. 7, spring 1988: 542-557.

Contents.--On the wisdom of mandatory drug testing, by Thomas R. Sexton and Ulrike Zilz.--Analysis of a drug-testing program for intercollegiate athletes, by Charles D. Feinstein.--Urine testing of criminals: what are we waiting for? by Eric D. Wish.--Testing and deterrence, by Peter Reuter.

James, Jeannette C.
The constitutionality of Federal employee drug testing: National Treasury Employees Union v. Von Raab. American University law review, v. 38, fall 1988: 109-140.

Case note "examines the effects of drug testing programs on the constitutional rights of public employees and traces the differing judicial standards in this area," reviewing specifically "National Treasury Employees Union v. Von Raab, which has been granted certiorari by the Supreme Court."

Johnson, Alex M. Ritter, James F.
The legality of testing student-athletes for drugs and the unique issue of consent. Oregon law review, v. 66, no. 4, 1987: 895-951.

"Article presents a realistic picture of the present and future rights of student-athletes. Due to an artificial view of what constitutes consent, federal courts will continue to allow drug testing of student-athletes, conditioning receipt of an athletic scholarship and the athlete's eligibility to compete in intercollegiate athletics upon consent to the test. This consent vitiates a student's otherwise powerful constitutional objections, including, but not limited to, the fourth amendment's prohibition on warrantless searches, the fifth amendment's prohibition on compelling self-incriminating testimony, and the fourteenth amendment's guarantee of equal protection pursuant to the law."

Kelly, Matthew A. Kelly, Randall M.
Drug and alcohol testing in the workplace: a public sector overview since Skinner and von Raab. Government union review, v. 10, fall 1989: 34-54.

Discusses Skinner v. Railway Labor Executive Association and National Treasury Employees Union v. Von Raab and concludes that "the Supreme Court has gone a long way in clarifying when a public or regulated employer can perform warrantless drug and alcohol testing in the absence of probable cause or reasonable suspicion. While there is much that remains for the Court to resolve in the delineation of public interest over and against Fourth and Fifth Amendment rights of public employees: it is clear that the Court will allow mandated drug and alcohol testing of all employees in dangerous jobs in governmentally regulated industries with a history of drug and alcohol related problems and of all employees in sensitive positions, or positions which require the carrying of firearms, or performing jobs where drug interdiction is a primary function."

Kemper, James D., Jr.
Drug testing in the military: issues of admissibility and sufficiency. Federal Bar news & journal, v. 35, Oct. 1988: 374-376.

Legal advisor to the judges of the Court of Military Appeals provides "a brief historical overview of the admissibility and sufficiency of drug test results in military trials by court-martial to prove wrongful us[e] of a prohibited substance. The use of urinalysis test results has been particularly relevant for military trial attorneys and judges alike since 1981, when the Department of Defense began a world-wide program of compulsory urinalysis."

Kyres, Catherine A.
A "cracked" image of my mother/myself? The need for a legislative directive proscribing maternal drug abuse. New England law review, v. 25, summer 1991: 1325-1361.

"This Note presents and discusses legislation which, if enacted, would specifically address the problem of maternal drug abuse."

Lapham, Lewis H.
A political opiate: the war on drugs is a folly and a menace. Harper's magazine, v. 279, Dec. 1989: 43-48.

Argues that "as a consequences of President Bush's war on drugs, society gains nothing except immediate access to an unlimited fund of resentment and unspecific rage. In return for a poor a victory, and in the interests of the kind of people who would build prisons instead of schools, Bush offers the nation the chance to deny its best principles, to corrupt its magistrates and enrich its most vicious and efficient criminals, to repudiate its civil liberties and repent of the habits of freedom."

Larson, Lisa.
Drug testing and searches in public schools: a legal analysis. St. Paul, Minn., Research Dept., Minnesota House of Representatives, 1989. 8 p.

Lawlor, John F.
Drug testing of government employees and the fourth amendment: the need for a reasonable suspicion standard. Notre Dame law review, v. ~~62, no~~. 5, 1987: 1063-1082.

Comment "concludes that employee drug testing is constitutional only if a reasonable suspicion of drug use exists before such testing occurs."

The Legal aspects of substance abuse in the workplace. William A. Hancock, editor. Chesterland, Ohio, Business Laws, Inc. [1987]- 1 v. (loose-leaf).

Lichtenberg, Kristen Rachelle.

Gestational substance abuse: a call for a thoughtful legislative response. Washington law review, v. 65, Apr. 1990: 377-396.

"Recently, many states have prosecuted women who abuse drugs or alcohol during pregnancy. This Comment argues that Roe v. Wade, 410 U.S. 113 (1973), should govern state intervention in cases of gestational substance abuse. Because criminal prosecution fails to prevent gestational substance abuse, a state seeking to intervene should use civil commitment as the means of intervention."

Lindsey, Charles E., Jr.

Drug testing in the workplace: a legislative proposal to protect privacy. Journal of legislation, v. 13, no. 2, 1986: 269-291.

Comment "contends that all employees and prospective employees should be protected from the type of intrusion that results from drug testing. It first discusses the current use of drug testing in the workplace and the conflict of interests it engenders. It focuses primarily on the adverse effect of this practice upon both the employee's and prospective employee's right to privacy . . . . Argues that the present legal response is inadequate because it only protects the privacy rights of public sector employees, contends that this discrepancy cannot be justified and concludes that a legislative response is needed."

Lock, Ethan. Jennings, Marianne.

The constitutionality of mandatory student-athlete drug testing programs: the bounds of privacy. University of Florida law review, v. 38, fall 1986: 581-613.

Article addresses "questions concerning the privacy rights of student-athletes and the efficacy of drug testing versus drug-use-prevention."

Marino, Cynthia D.

Is the Army's urinalysis program constitutional under the fourth amendment in light of von Raab and Skinner?: the defense perspective. Army lawyer, no. 216, Dec. 1990: 12-18.

Article examines the Army's drug testing program and concludes that it "can no longer withstand constitutional scrutiny in light of the language in von Raab and Skinner limiting suspicionless drug tests to situations in which a fourth amendment intrusion serves a special government need beyond the normal need for law enforcement."

Mass, Michael A.

Public sector drug testing: a balancing approach and the search for a new equilibrium. Baylor law review, v. 42, spring 1990: 231-253.

The Article first examines "the traditional application of the fourth amendment to civil searches, such as employee drug testing. Next, it will discuss the Court's recent decisions in Skinner and Von Raab and comment on the effects of the Court's analysis upon the traditional approach. The extension of these decisions will then be followed by a discussion of recent circuit court decisions which have attempted to follow the Skinner and Von Raab approach. Some attempt will be made to predict the implications of these decisions on the use of drug testing in other environments."

Maternal marijuana use and neonatal outcome: uncertainty posed by self-reports. American journal of public health, v. 76, June 1986: 667-669.

A study of pregnant women in Boston found that "urine assays identified more women who used marijuana during pregnancy than were willing to admit it in the interview even after being told their urine would be tested."

Matlack, Carol.

The age of urinalysis. Government executive, v. 20, Mar. 1988: 12-16.

"The President's 'Drug-Free Workplace' is coming soon to agencies like yours. More than 200,000 federal employees will be subject to random testing."

Boardroom vice squads? National journal, v. 20, June 25, 1988: 1680-1683.

"Given a choice on drug testing, most businesses just say no. Many cite costs and potential legal troubles; some resent the government's forcing them to play policeman."

Federal urinalysis plans stalled. Government executive, v. 21, Mar. 1989: 48-49.

"A series of successful courtroom challenges to the federal government's random drug testing authority places the whole workplace testing program in question."

McCullough, Patricia.

When the test is positive. Heavy duty trucking, v. 69, June 1990: 78-79, 82-84.

Argues that trucking "fleets have two basic choices [regarding drug abuse]: rehabilitate or terminate. Both are likely to test the balance of employee/employer rights."

McDermott, Mark T. Jones, Kyle A.

Mandatory random drug-testing in the United States Department of Transportation--a fourth amendment analysis. Transportation law journal, v. 17, no. 1, 1988: 1-29.

Contents.--Introduction.--The Fourth amendment.--Drug testing.--Mandatory drug-testing by the United States Department of Transportation--Summary.

McEwen, J. Thomas. Manili, Barbara. Connors, Edward.

Employee drug testing policies in police departments. Rockville, Md., National Institute of Justice, 1986. 5 p. (Research in brief)

"Reports on the results of a survey of 33 major police departments recently completed for the National Institute by Research Management Associates, Inc. It reviews the use of drug testing in police departments, the technology involved, and legal and union issues relating to testing. It also summarizes private industry's approach to the problem and alternatives used by police administrators for dealing with officers found to use drugs."

McGovern, Thomas L., III.

Employee drug-testing legislation: redrawing the battlelines in the war on drugs. Stanford law review, v. 39, July 1987: 1453-1517.

Comment "discusses why drug-testing legislation to limit the potential for error and abuse in the unregulated use of the body fluid search is needed" and "describes the past and present use of drug testing by public and private employers . . . . The final parts focus on a statutory solution. After examining legislation that has already been considered in state houses across the country, the note identifies several alternative regulatory models, then settles on a 'best' alternative. To illustrate how a state legislature might reduce this solution to a statutory scheme, the note includes a model bill designed for the state of California."

McNichol, Tom.

Drugs in the newsroom: when reporters become part of the story. Washington journalism review, v. 8, Apr. 1986: 22-24, 26, 28.

"The historically libertarian-minded press is in many cases begging the question of an individual's right to privacy in its quest for the drug-free newsroom."

Miller, David A.

Mandatory urinalysis testing and the privacy rights of subject employees: toward a general rule of legality under the fourth amendment. University of Pittsburgh law review, v. 48, fall 1986: 201-245.

"Article examines the constitutional guarantees implicated by mandatory urinalysis testing and the (successful) efforts of the courts to establish a general rule of legality which reconciles these rights and interests in accordance with the dictates of the fourth amendment. The remainder of the Article is devoted to a critique of this judicially-derived rule, including suggestions for enhancing the rule through judicial and legislative means; an examination of the various ways by which the coverage of the rule might be expanded to provide comparable protection to nonpublic workers and job applicants; and a discussion of certain policy considerations affecting, and affected by the rule."

Miron, H. Jerome.

Millions of employees drafted into the war on drugs. Police chief, v. 56, Aug. 1989: 65-74.

Outlines the impact of Reagan's Drug-Free Workplace Act of 1988 (P.L. 100-690) on the U.S. workforce discussing what the extent of drug use currently is in the U.S. and consequent testing.

Model plan for a comprehensive drug-free workplace program. Rockville, Md., National Institute on Drug Abuse, 1989. 41 p. (DHHS publication no. (ADM)89-1635)

"This publication offers a model drug-free workplace plan to use as a compass, though not necessarily to set an exact course. The model plan points to the essential five elements set out in Executive Order 12564: development of comprehensive written policy; supervisory training; employee education; availability of employee assistance programs; identification of illegal drug users, including drug testing on a controlled and carefully monitored basis."

Moss, Kary.

Substance abuse during pregnancy. Harvard women's law journal, v. 13, spring 1990: 278-299.

"This Recent Development [article] will review some of the most recent developments in this area, including the major criminal and civil neglect cases and state legislative efforts undertaken in the past year. The legal problems and implications of these developments will be explored, and several alternative responses will be proposed."

Neal, Andrea.

Mandatory drug testing: court weighs civil liberties objections. American Bar Association journal, v. 74, Oct. 1, 1988: 58-63.

"Does the war on drugs justify an employer's intrusion into one's personal affairs? Like so many of the controversial issues of our day, it is a question that only the Supreme Court can answer. With federal and state courts split on the issue, the justices this fall will hear arguments to determine if drug testing by the government is permissible and, if so, under what conditions."

O'Keefe, Anne Marie.

The case against drug testing. Psychology today, v. 21, June 1987: 34-35, 38.

Puts forth arguments against mass drug testing--from inaccuracy of the tests to invasion of workers' privacy.

Panner, Morris J. Christakis, Nicholas A.

The limits of science in on-the-job drug screening. Hastings Center report, v. 16, Dec. 1986: 7-12.

"Mass drug screening offers a deceptively simple solution to the problem of drug use among workers. Even a very effective test is subject to error. In any given group of tested individuals, some will unavoidably be falsely accused. Even though scientific tests appear to provide efficient solutions to social and legal problems, these tests should not be accepted unless they also meet our standards for fair dealing."

Payson, Martin F. Rosen, Philip B.

Substance abuse: a crisis in the workplace. Trial, v. 23, July 1987: 25-26, 28, 30-35.

Discusses "constitutional rights of employers and employees and what employers can legally do to address the problem; and outline[s] legal concerns in establishing substance-abuse programs."

Peterson, Carolyn. Fletcher, Michael.

Drug testing in the workplace. State factor, v. 13, May 1987: whole issue (12 p.)

Partial contents.--Workplace drug testing.--State activity.--Federal activity.

Peterson, Roger A.

Balancing public interests v. individual rights; is drug testing of Federal employees here to stay?: National Treasury Employees Union v. Von Raab. Hamline journal of public law and policy, v. 11, spring 1990: 195-210.

"In National Treasury Employees Union v. Von Raab, the United States Supreme Court balanced the public's interest against the employee's individual privacy rights. The Court determined that even though the drug testing program was a search and seizure under the fourth amendment, it was reasonable given the government's compelling interest in protecting the public."

Plass, Stephen A.

Testing hair follicles for drugs: in search of privacy, accuracy, and reliability. Labor law journal, v. 42, Feb. 1991: 111-115.

"To the extent it is reliable, this technology represents a positive development because of its potential to minimize intrusions on the privacy interests of employees more effectively than other resting methods."

Police drug testing. Washington, U.S. National Institute of Justice, 1987. 109 p. (Issues and practices in criminal justice)

"A growing number of police agencies are now requiring their officers to submit to urine tests to determine illegal drug usage . . . . This report combines information about technical, legal, and policy issues of concern to police agencies with practical advice from five major departments [--Chicago, District of Columbia, Louisville, Miami, and Honolulu--] that are operating drug testing programs. Specific examples of policies and procedures are included."

Pollitt, Katha.

A new assault on feminism: 'fetal rights.' Nation, v. 250, Mar. 26, 1990: 409-411, 414-416, 418.

Argues that concern over maternal substance abuse during pregnancy is "only the latest focus of a preoccupation with the fetus and its 'rights'" that "in its various aspects . . . attacks virtually all the gains of the women's movement." The author sees responsibility being placed solely on pregnant women and their conduct to the exclusion of "malnutrition, violence, chaotic lives, serious maternal health problems and lack of medical care" as more important factors in the health of newborns.

Preer, Robert M., Jr.

The impact of drug testing. Labor law journal, v. 40, Jan. 1989: 50-57.

Discusses legal issues which employers will have to face when implementing drug testing policies in the workplace.

Pregnancy police. Progressive, v. 54, Dec. 1990: 22-24, 26-28.

In two related articles on pregnancy and drug abuse, Mary Grabar and Jean Bethke Elshtain discuss, respectively, the issues of prosecuting and jailing pregnant addicts for abusing their unborn babies and mandatory state intervention in the family affairs of addicted parents.

A Question of privacy: drug tests raise a host of constitutional issues. Newsweek, v. 108, Sept. 29, 1986: 18, 20-21.

"Despite overwhelming public support for a crackdown on narcotics abuse, the goal of creating a 'drug-free America' inevitably involves profound questions of individual rights and civil liberties." Discusses such issues as the growth and reliability of various drug tests; legal and constitutional rights; and efforts by Congress and the Reagan Administration to "rewrite the nation's drug laws."

Ranney, James T.

The constitutionality of drug testing of college-athletes: a Brandeis brief for a narrowly-intrusive approach. Journal of college and university law, v. 16, winter 1990: 397-424.

"This Article concludes that: (1) drug testing, even with consent, is a 'search' within the meaning of the fourth amendment . . . . The need to intrude is greatest in regard to 'performance-enhancing' drugs, such as steroids, and justifies (in the absence of a less-intrusive alternative) random warrantless searches.

Rector, Anne M.

Use and abuse of urinalysis testing in the workplace: a proposal for Federal legislation limiting drug screening. Emory law journal, v. 35, fall 1986: 1011-1071.

Comment "addresses legal issues raised by urinalysis testing and proposes a standard for national legislation which would protect the legal rights of employees while permitting employers to test for drug abuse; describes the three major types of urinalysis tests currently in use and discusses their relative merits and demerits; deals with the case law on employee challenges to employer use of urinalysis at will by, represented or unionized employees, public employees, and armed forces personnel."

Renshaw, Karen K.
A civil approach to a controversial issue: Minnesota's attempt to deal with the mothers of "cocaine babies." Hamline journal of public law and policy, v. 11, spring 1990: 137-150.

"The 1989 Omnibus Crime Bill, as passed by the Minnesota legislature, included a section entitled 'Prenatal Exposure to Certain Controlled Substances.' The legislature chose to deal with the problem of illegal drug use by pregnant women through public education, commitment of pregnant drug-using mothers to treatment, and application of child neglect laws. This comment will explore why cocaine use during pregnancy is a problem, the seriousness of the situation in Minnesota, and will also include a discussion of constitutional arguments this new law may encounter."

Rethinking (m)otherhood: feminist theory and State regulation of pregnancy. Harvard law review, v. 103, Apr. 1990: 1325-1343.

"This Note examines the debate over state regulation of pregnancy and suggests that the prevailing conceptualization of the problem as a conflict between maternal and fetal rights is both illegitimate and counterproductive. The question of state regulation of pregnant women has been narrowly framed: it asks whether the mother's right to physical autonomy overrides the fetus' right to physical integrity." Discusses drug abuse during pregnancy.

Riccucci, Norma M.
Drug testing in the public sector: a legal analysis. American review of public administration, v. 20, June 1990: 95-106.

"In this essay, the substantive questions of law that are raised by testing public sector employees for drug use primarily are examined. Private sector employees also receive some attention insofar as the government develops laws and regulations for certain industries (e.g., railroad) for the purposes of protecting and promoting the safety and health of the general public."

Roberts, Dorothy E.
Punishing drug addicts who have babies: women of color, equality, and the right of privacy. Harvard law review, v. 104, May 1991: 1419-1482.

"Women increasingly face criminal charges for giving birth to infants who test positive for drugs. Most of the women prosecuted are poor, Black, and addicted to crack cocaine. In this Article, Professor Roberts seeks to add the perspective of poor Black women to the current debate over protecting fetal rights at the expense of women's rights. Based on the presumption that Black women experience several forms of oppression simultaneously, the author argues that the punishment of drug addicts who choose to carry their pregnancies to term violates their constitutional rights to equal protection and privacy regarding their reproductive choices."

Robertson, John. Paltrow, Lynn.
"Fetal abuse': should we recognize it as a crime? American Bar Association journal, v. 75, Aug. 1989: 38-39.

"When taken during pregnancy, cocaine can put the user's offspring at risk for low birth weight, motor and learning disabilities, strokes and seizures. One way to control the problem, according to University of Texas law Professor John Robertson, is to criminalize 'fetal abuse' through the 'use of post-birth sanctions in egregious cases.' His caveat is that this is a last resort after education and treatment. Lynn Paltrow of the ACLU's Reproductive Freedom Project finds that untenable under any circumstance--an unconstitutional invasion of privacy. The only real answer, she says, is improved social services for pregnant women."

Rosen, Cathryn Jo. Goldkamp, John S.
The constitutionality of drug testing at the bail stage. Journal of criminal law & criminology, v. 80, spring 1989: 114-176.

"This Article reviews fourth, fifth, and fourteenth amendment questions that arise when drug testing is applied to defendants entering the criminal process and assesses their likely resolution and impact on the increasing number of bail stage testing programs."

Rubenstein, Laurie.
Prosecuting maternal substance abusers: an unjustified and ineffective policy. Yale law and policy review, v. 9, no. 1, 1991: 130-160.

Comment argues against the prosecution of maternal substance abusers and "concludes that comprehensive care--integrating drug treatment, parental care, and skills training--offers the only real solution to the problem of drug-exposed infants." Includes a state by state list of women prosecuted for drug use during pregnancy.

Rupp, Michael T.
What the pharmacist should know about urine testing in the workplace. American pharmacy, v. NS28, July 1988: 19-23.

Discusses social and technical issues surrounding drug testing. Author asserts that "by virtue of their education, pharmacists are in a unique position to contribute to the development of rational drug abuse policies by ensuring that the decisions made regarding complex issues like urine testing are truly informed decisions."

Sanders, Arlene.
Intoxication and the law: drug testing in the workplace. Annual survey of American law, v. 1987, June 1988: 167-193.

"Drug testing is naturally intrusive. As such, it may be abused easily by overreaching employers. Even when administered with care and selectivity, drug tests are potentially inaccurate and unreliable. Not only may the lives of those employees who test positive be disrupted, but employers may face significant liabilities for acting on such results, irrespective of their accuracy if the drug testing program does not contain adequate safeguards. Courts, legislators, and employers should therefore regulate testing in accordance with clearly articulated standards and guidelines. Only when this occurs can drug testing become one of the acceptable means of handling employee drug abuse."

Scanlan, John A., Jr.
Playing the drug-testing game: college athletes, regulatory institutions, and the structures of constitutional argument. Indiana law journal, v. 62, no. 4, 1987: 863-983.

Article focuses "on the various legal games that are played by those interested in testing athletes. Chief among the interested parties are the institutions which seek to test, and the athletes who stand to be tested. Because the legality of testing is at stake, these parties ordinarily do not participate in the game directly. Instead, they hire attorneys to counsel them, and, on occasion, to represent them in administrative proceedings, or in litigation. Legal games are thus lawyers' games--and judges' games."

Schachter, Victor. Geidt, Thomas E.
Drugs and alcohol in the workplace: legal developments and management strategies. 2nd ed. New York, Executive Enterprises Publications, 1990. 238 p.

Schwartz, Diane G.
Mandatory drug testing of public sector employees; constitutional implications. University of Detroit law review, v. 65, winter 1988: 315-331.

Comment addresses the question of the constitutionality of drug testing of government employees "examining and analyzing the legal issues raised in recent litigation and court decisions, and concludes that the government interest outweighs individual rights."

Should pregnant women be held criminally liable for substance abuse? State government news, v. 33, June 1990: 22-23, 29.

Cecil E. Mills and Louise Bishop debate whether narcotic-addicted pregnant women should be charged with delivering drugs to their fetuses.

Silbergeld, Arthur F. Galvaro, Sarah.
Private sector drug testing: legal limitations in California. Employee relations law journal, v. 16, winter 1990-91: 347-358.

"Employers, in an effort to curb the devastating effects of drug abuse on employee performance and company productivity, have increasingly relied on drug testing for job applicants and employees. This article weighs the employer's right to preclude users of illegal substances from the work force against the privacy interests of applicants and employees by focusing on three recent cases in California."

Simon, Thomas P.
Reforming the NCAA drug-testing program to withstand State constitutional scrutiny: an analysis and proposal. University of Michigan journal of law reform, v. 24, fall 1990: 289-310.

"Part I [of this Article] describes the current NCAA drug-testing program. Part II looks at the fourth amendment argument against drug testing of student-athletes. Part III assesses the viability of a federal constitutional attack on NCAA testing, while Part IV discusses a state constitutional challenge. Finally, Part V proposes reform of the current NCAA drug-testing program to achieve its goals within the bounds of federal and state constitutional rights of privacy."

Simonsmeier, Larry M. Fink, Joseph L., III.
Legal implications of drug testing in the workplace. American pharmacy, v. NS28, July 1988: 30-37.

"The issue of drug testing presents an exhaustive scope of questions. This article focuses on the legal implications of drug testing in the workplace, including the reliability of testing procedures, search and seizure, due process, right to privacy, and others."

Simpson, Duncan A.
Does a "Drug-Free Federal Workplace" also mean a "Fourth Amendment Free Workplace"? Labor law journal, v. 40, Sept. 1989: 547-566.

"This article will review the recent history of public-sector drug testing litigation and attempt to define appropriate guidelines for a constitutional application of Executive Order No. 12564 [mandates establishment of drug-testing programs in each executive agency], in light of forthcoming agency instructions and the inevitable Fourth Amendment challenges."

Sokolowski, James M.
Government drug testing: a question of reasonableness. Vanderbilt law review, v. 43, May 1990: 1343-1376.

"Part II of this Note details the executive branch's efforts to perform drug tests on its employees and on private employees in pervasively regulated industries. Part III traces the Supreme Court's recent erosion of traditional fourth amendment protections against search and seizure. Part IV describes the Supreme Court's analysis of the executive branch's efforts at drug testing. Part V examines the analytical structure that courts use to determine the constitutionality of drug testing by the government. Part VI traces judicial trends in unsettled legal areas. Finally, Part VII concludes that the Court's reasonableness balancing test provides no concrete limit on government searches."

Stewart, David O.
Slouching toward Orwell. American Bar Association journal, v. 75, June 1989: 44, 46, 48, 50.

Argues that the Supreme Court's recent decisions on drug testing (Skinner v. Railway Labor Executives' Association and National Treasury Employees Union v. Von Raab) are not leading to an erosion of civil liberties.

Stille, Alexander.
Drug testing: the scene is set for a dramatic legal collision between the rights of employers and workers. National law journal, v. 8, Apr. 7, 1986: 1, 22-24.

Warns that "the scene is set for a dramatic head-on collision in the courts, as the nation tries to sort out the employer's right to a drug-free workplace and the worker's right to privacy."

Stokes, Richard L.
Workplace substance abuse: what employers can do. Knoxville, Municipal Technical Advisory Service, University of Tennessee, 1989. 20 p. (MTAS municipal personnel report no. 2)

"Discusses substance abuse problems. Options on how municipal employers can minimize exposure to lawsuits are outlined. Steps in establishing a comprehensive substance abuse policy are provided."

Symposium: drug testing. University of Kansas law review, v. 36, no. 4, summer 1988: whole issue (641-951 p.)

Contents.--Accuracy and reliability of urine drug tests.--The "scientific" justification for urine drug testing.--A question of America's future: drug-free or not?--Will employee's rights be the first casualty of the war on drugs?--Drug testing in professional and college sports.--Private sector drug testing: employer rights, risks and responsibilities.--On beyond drug testing: employer monitoring and the quest for the perfect worker.--Some social implications of drug testing.--Drug testing legislation: what are the States doing?

Symposium: State and local issues before the Supreme Court and Federal courts. Urban lawyer, v. 20, spring 1988: 231-474.

Partial contents.--Foreword: the State and Local Legal Center at five--a few thoughts, by Beate Bloch and Joyce Holmes Benjamin.---How State and local governments fared in the United States Supreme Court for the past five terms, by Douglas Ross and Michael W. Catalano.--Regulatory takings: beyond the balancing test, by Nathaniel S. Lawrence.--Public employee drug testing under the Fourth and Fifth Amendments: where are we now and where are we going under Federal decisions? by J. Devereux Weeks.

Testing for drug use in the American workplace: a symposium. Nova law review, v. 11, winter 1987: whole issue (291-823 p.)

"One of the most controversial issues of the day is drug-use testing in the American workplace. The topic has evoked heated debate, and seems likely to reach the Supreme Court. In an attempt to provide policymakers and others with information and opinions on this subject, the Nova Law Review presents this symposium. Contributing to this special project are a variety of experts--labor law attorneys, forensic scientists, legislators, arbitrators, civil libertarians, and other legal scholars--with varying views.

Thaler, Craig H.
The National Collegiate Athletic Association, random drug-testing, and the applicability of the administrative search exception. Hofstra law review, v. 17, spring 1989: 641-688.

Note states that "the NCAA's decision to drug-test student-athletes based upon a random selection process raises important fourth amendment issues. Despite the general requirement of individualized suspicion, the NCAA program is likely to survive a constitutional challenge under the fourth amendment because the administrative search exception, which permits warrantless and random searches, should be applied or analogized to the NCAA drug-testing program."

U.S. Congress. House. Committee on Armed Services. Investigations Subcommittee. Department of Defense drug testing and drug interdiction programs. Hearings, 100th Congress, 1st session. July 23, 1987. Washington, G.P.O., 1988. 26 p.

At head of title: H.A.S.C. no. 100-19.

Statement and testimony of Marine Lt. Gen. Stephen Olmstead, Deputy Assistant Secretary of Defense for Drug Policy and Enforcement and director of the DOD Task Force on Drug Enforcement.

U.S. Congress. House. Committee on Education and Labor. Subcommittee on Employment Opportunities.
Oversight hearing on drug testing in the work force. Hearing, 100th Congress, 2nd session. Apr. 21, 1988. Washington, G.P.O., 1988. 82 p.

"Serial no. 100-70"

Addresses "accuracy, uses, abuses and possible benefits of drug testing in the workforce."

U.S. Congress. House. Committee on Energy and Commerce.
Railroad Drug Abuse Prevention Act of 1988; report together with separate views to accompany H.R. 4748 including cost estimate of the Congressional Budget Office. Washington, G.P.O., 1988. 50 p. (Report, House, 100th Congress, 2nd session, no. 100-940)

"A precedent in the railroad industry today will set the stage for extensions of this concept tomorrow that most Americans would find distasteful, if not frightening--and, in the private sector, almost wholly beyond the reach of the Constitution. Before we take that step, we should think carefully about whether it will lead to the kind of society in which we truly want to live--or to the kind of society we have fought wars to defend our country against."

Railroad Drug Abuse Prevention Act of 1989; report together with separate views to accompany H.R. 1208 including cost estimate of the Congressional Budget Office. Washington, G.P.O., 1989. 52 p. (Report, House, 101st Congress, 1st session, no. 101-198)

U.S. Congress. House. Committee on Energy and Commerce. Subcommittee on Transportation and Hazardous Materials.
Railroad Drug Abuse Prevention Act of 1989. Hearing, 101st Congress, 1st session on H.R. 1208. Apr. 27, 1989. Washington, G.P.O., 1989. 200 p.

"Serial no. 101-21"

U.S. Congress. House. Committee on Government Operations. Government Activities and Transportation Subcommittee.
Dealing with drugs and alcohol in the rail and airline industries. Hearing, 100th Congress, 1st session. Feb. 19, 1987. Washington, G.P.O., 1987. 146 p.

FAA's refusal to cooperate with drug-testing requests from the National Transportation Safety Board. Hearing, 100th Congress, 1st session. June 24, 1987. Washington, G.P.O., 1987. 38 p.

U.S. Congress. House. Committee on Government Operations. Legislation and National Security Subcommittee.
Drug-Free Workplace Act of 1988. Hearing, 100th Congress, 2nd session on H.R. 4719 and H.R. 4467. June 15, 1988. Washington, G.P.O., 1989. 323 p.

Hearings held to consider legislation designed to require that all Federal contractors and grantees maintain drug-free workplaces.

U.S. Congress. House. Committee on Merchant Marine and Fisheries.
Maritime and offshore drilling industry drug testing. Hearing, 101st Congress, 2nd session on recent drug testing regulations adopted by the Department of Transportation for the maritime and offshore industry. June 26, 1990. Washington, G.P.O., 1990. 121 p.

"Serial no. 101-101"

U.S. Congress. House. Committee on Merchant Marine and Fisheries. Subcommittee on Merchant Marine.
Merchant marine drug testing. Hearing, 100th Congress, 2nd session on oversight hearing on the Coast Guard's proposed rule to test merchant seamen for drug and alcohol use. Sept. 22, 1988. Washington, G.P.O., 1988. 259 p.

"Serial no. 100-92"

Hearings held to consider a proposed Coast Guard rule that would require randomly administered drug tests for all employees on U.S. vessels.

U.S. Congress. House. Committee on Post Office and Civil Service. Subcommittee on Civil Service.
Drug testing in the Federal Government. Washington, G.P.O., 1989. 55 p.

At head of title: 101st Congress, 1st session, committee print 101-1.

Reprints a report orginally published in 1986 with the addition of a foreword written by the subcommittee staff covering congressional and executive branch action on drug testing since the original issuance.

Drug testing in the Federal Government; report. Washington, G.P.O., 1986. 55 p.
"The subcommittee staff examined the far-reaching proposal of the President's Commission on Organized Crime that Federal employees be subject to drug testing. The staff also examined the drug testing policies of each federal agency."

U.S. Congress. House. Committee on Post Office and Civil Service. Subcommittee on Human Resources.
Drug testing Federal employees. [Parts 1-2] Hearing, 99th Congress, 2nd session. Washington, G.P.O., 1986. 2 v. (73, 196 p.)
"Serial nos. 99-46, 99-75"
Hearings held Mar. 18, Sept. 15-16, 1986.

Drug testing of Federal employees. Hearings, 100th Congress, 1st session. Washington, G.P.O., 1987. 271 p.
"Serial no. 100-17"
Hearings held Apr. 7 and May 20, 1987.

Oversight hearing on administration plans to drug test Federal work force. Joint hearing before the Subcommittee on Human Resources and the Subcommittee on Civil Service of the Committee on Post Office and Civil Service, House of Representatives, 100th Congress, 2nd session. June 16, 1988. Washington, G.P.O., 1988. 170 p.
"Serial no. 100-59"
Hearing reviews the Administration's response to congressional requirements that drug testing plans for Federal agencies be developed in accordance with applicable law.

U.S. Congress. House. Committee on the Judiciary. Subcommittee on Crime.
Comprehensive Violent Crime Control Act of 1989. Hearing, 101st Congress, 2nd session on H.R. 2709. Mar. 6, 1990. Washington, G.P.O., 1990. 190 p.
"Serial no. 91"

Federal drug aftercare and drug testing programs. Hearing, 101st Congress, 1st session on H.R. 3007. July 27, 1989. Washington, G.P.O., 1990. 182 p.
"Serial no. 66"

U.S. Congress. House. Select Committee on Children, Youth, and Families.
Beyond the stereotypes: women, addiction, and perinatal substance abuse. Hearing, 101st Congress, 2nd session. Apr. 19, 1990. Washington, G.P.O., 1990. 197 p.

Law and policy affecting addicted women and their children. Hearing, 101st Congress, 2nd session. May 17, 1990. Washington, G.P.O., 1990. 327 p.

U.S. Congress. House. Select Committee on Narcotics Abuse and Control.
Drug abuse in the workplace. Hearing, 99th Congress, 2nd session. May 7, 1986. Washington, G.P.O., 1987. 240 p.
"SCNAC-99-2-10"

U.S. Congress. Senate. Committee on Commerce, Science, and Transportation.
Airline and Rail Service Protection Act of 1987. Hearing, 100th Congress, 1st session on S. 356 and S. 362. Feb. 20, 1987. Washington, G.P.O., 1987. 120 p. (Hearing, Senate, 100th Congress, 1st session, S. Hrg. 100-13)

Alcohol and drug abuse. Hearing, 99th Congress, 2nd session. Feb. 18, 1986. Washington, G.P.O., 1986. 68 p. (Hearing, Senate, 99th Congress, 2nd session, S. Hrg. 99-644)
Examines "the drug and alcohol problem in three modes of commercial transportation: highway, rail, and aviation."

Developments in drug and alcohol testing. Hearing, 100th Congress, 2nd session. Feb. 25, 1988. Washington, G.P.O., 1988. 77 p. (Hearing, Senate, 100th Congress, 2nd session, S. Hrg. 100-550)
Focuses on the "problem of drug and alcohol use by transportation employees."

Drug and alcohol testing. Hearing, 101st Congress, 1st session on S. 561. June 15, 1989. Washington, G.P.O., 1989. 240 p. (Hearing, Senate, 101st Congress, 1st session, S. Hrg. 101-191)

Transit Employee Testing Act of 1990; report on S. 2434. Washington, G.P.O., 1990. 16 p. (Report, Senate, 101st Congress, 2nd session, no. 101-374)

Transportation Employee Safety and Rehabilitation Act of 1987; report together with additional and minority views to accompany S. 1041. Washington, G.P.O., 1987. 50 p. (Report, Senate, 100th Congress, 1st session, no. 100-43)

U.S. Congress. Senate. Committee on Finance. Subcommittee on Social Security and Family Policy.
Fetal alcohol syndrome. Hearing, 101st Congress, 2nd session. Dec. 10, 1990. Washington, G.P.O., 1991. 129 p. (Hearing, Senate, 101st Congress, 2nd session, S. Hrg. 101-1262)

U.S. Congress. Senate. Committee on the Judiciary.
Drug testing in the workplace. Hearings, 100th Congress, 1st session. Washington, G.P.O., 1989. 426 p. (Hearing, Senate, 100th Congress, 1st session, S. Hrg. 100-995)
"Serial no. J-100-16"
Hearings held Apr. 9 and May 13, 1987. Hearings held to examine the controversial subject of drug testing in the workplace, including the constitutional rights of employees and the need for a drug-free workplace.

U.S. General Accounting Office.
Drug testing: action by certain agencies when employees test positive for illegal drugs; fact sheet for the Chairman, Subcommittee on Treasury, Postal Service, and General Government, Committee on Appropriations, U.S. Senate. Apr. 6, 1990. Washington, G.A.O., 1990. 11 p.
"GAO/GGD-90-56FS, B-238649"
Evaluates the actions taken at three Federal agencies--the Drug Enforcement Administration, Department of Transportation, and Department of the Army--under OPM's guidelines for establishing a drug-free Federal workplace, finding that the range of imposable penalties under the guidelines has led to variations from agency to agency or even within an agency. "Actions taken against employees ranged from firing them after the first positive testing to transferring them--without rehabilitation--to positions in which they were no longer subject to random testing."

Drug testing: Federal agency plans for testing employees; report to the Chairman, Subcommittee on Treasury, Post Service, and General Government, Committee on Appropriations, U.S. Senate. Mar. 1, 1989. Washington, G.A.O., 1989. 8 p.
"GAO/GGD-89-51, B-223280"
"Senate Report 100-387 on the fiscal year 1989 Treasury, Postal Service, and General Government Appropriations Bill instructed the General Accounting Office to study selected aspects of federal agency employee drug-testing plans . . . . In general we found that the HHS guidelines contained the federal workplace drug-testing program elements required by Public Law 100-71. Further, our review of the 21 plans issued by 11 of the 12 civilian cabinet level departments showed that each agency prepared a written drug-testing plan that followed the requirements of Public Law 100-71 and the guidelines."

----- Drug testing: management problems and legal challenges facing DOT's industry programs; report to the chairman, Subcommittee on Investigations and Oversight, Committee on Public Works and Transportation, House of Representatives. Nov. 27, 1989. Washington, G.A.O., 1989. 54 p.

"GAO/RCED-90-31, B-234505"

"Concerned about drug use in the transportation industry, in 1989 the Department of Transportation began requiring over 200,000 employers to test 4 million private-sector transportation workers in safety-sensitive and security-related positions. In this report, GAO (1) determined the status of DOT's private-sector drug-testing programs; (2) evaluated DOT's program implementation; (3) described the present legal challenges to DOT's regulations; and (4) analyzed proposed congressional legislation that would impose drug testing for certain private-sector transportation industry workers, comparing the bills' provisions with DOT's drug-testing regulations."

----- Employee drug testing: DOT's laboratory quality assurance program not fully implemented; report to the Chairman, Subcommittee on Treasury, Postal Service, and General Government, Committee on Appropriations, U.S. Senate. Sept. 29, 1989. Washington, G.A.O., 1989. 10 p.

"GAO/GGD-89-80, B-235059"

"Federal agencies are required to establish drug-testing programs for employees in sensitive positions in accordance with scientific and technical guidelines issued by the Department of Health and Human Services. Although DOT's program was required to be in full compliance with these guidelines by July 11, 1988, GAO found that it was not until July 19, 1989, that DOT brought its program in compliance with requirements for blind performance-testing procedures to monitor the accuracy and reliability of laboratory analyses results. DOT's noncompliance demonstrates the need for continuing oversight and independent monitoring of federal drug-testing programs."

----- Employee drug testing: information on private sector programs; report to the Honorable Charles Schumer, House of Representatives. Mar. 2, 1988. Washington, G.A.O., 1988. 26 p.

"GAO/GGD-82-32, B-223280"

Reviews ten published surveys for information on "(1) the extent of drug testing, (2) which testing methods are most often used, (3) who receives drug testing and why, (4) the reasons for having a drug testing program, and (5) what happens to those individuals who test positive."

----- Railroad safety: reporting time frames and results of post-accident drug tests; report to the Honorable John Heinz, U.S. Senate. Apr. 8, 1988. Washington, G.A.O., 1988. 10 p.

"GAO/RCED-88-120, B-230678"

Reviews the Federal Railroad Administration's program for conducting drug and alcohol tests of crew members. Looks in particular at "FRA's use of one laboratory to conduct all testing for the program and the time required for FRA to obtain test results from the laboratory."

U.S. Office of National Drug Control Policy.

Building a drug-free workforce: an Office of National Drug Control Policy, guide for State legislation. Washington, Office of National Drug Control Policy, Executive Office of the President [1990]. 1 v. in various pagings.

U.S. President (1989- : Bush)

A draft of proposed legislation entitled the "Comprehensive Violent Crime Control Act of 1989"; message. Washington, G.P.O., 1989. 127 p. (Document, House, 101st Congress, 1st session, no. 101-73)

Vaughn, M. David. Axelrod, Jonathan. Gorman, Edward J., III.

Positive negative: examining drug testing cases in the District of Columbia. Washington lawyer, v. 2, Mar.-Apr. 1988: 26-35.

"Testing of employees for the presence of drugs as a way to combat the impact of drugs in the workplace has become a significant issue of the 1980s. Does it help? Do the problems outweigh the benefits? Some answers are emerging."

Veglahn, Peter A.

What is a reasonable drug testing program?: insight from arbitration decisions. Labor law journal, v. 39, Oct. 1988: 688-695.

"Article examines published arbitration decisions dealing with drug testing programs. The focus of the article is to enumerate factors that influence arbitration decisions about the right of an employer to implement a drug testing program."

Verespej, Michael A.

Smoking & drug policies: whose rights? Industry week, v. 236, Feb. 1, 1988: 39-42, 44.

"Over 40% of the nation's largest employers have drug-testing policies. Over 50% have smoking restrictions. Are they reaching too far into employees' personal lives?"

Wade, Lawrence.

Use the super weapon. Washington times, May 19, 1988: F1, F4.

Argues that legalization is a poor answer to fighting drug-related crime. Author suggests all drivers should be tested for drugs, and that those testing positive have their driving privileges revoked. "Life without wheels for most of us would be insufferable. That's why testing drivers is the way to win this war on drugs."

Walsh, J. Michael. Yohay, Stephen C.

Drug and alcohol abuse in the workplace: a guide to the issues. Washington, National Foundation for the Study of Equal Employment Policy, 1987. 149 p.

Partial contents.--The choices facing employers in developing a substance abuse policy.--The effects of drug abuse upon an individual.--Substance abuse programs and employees' rights to privacy and due process.--Substance abuse programs and employment discrimination statutes.--The elements of a substance abuse program.

The War on drugs: in search of a breakthrough: a symposium. Nova law review, v. 11, spring 1987: whole issue (891-1052 p.)

Contents.--Introduction: in search of a breakthrough in the war on drugs. --Breaking the impasse in the war on drugs: a search for new directions.-- Towards new perspectives on drug control: a negotiated settlement to the war on drugs.--Why the drug war is unstoppable.--Vice policy in a liberal society: an analysis of the impasse in the war on drugs.--A proposal for regulation and taxation of drugs.--The war on drugs: predicting the status quo.--The national strategy--an overview.--Coda: what impasse? A skeptical view.

Watson, Tom.

Drug-testing laws are catching on. Governing, v. 1, June 1988: 60-63.

"State governments are beginning to enact laws regulating employee drug testing, and business leaders are not particularly pleased with the results. Civil libertarians, for the most part, are."

Wilkins, Michelle D.

Solving the problem of prenatal substance abuse: an analysis of punitive and rehabilitative approaches. Emory law journal, v. 39, fall 1990: 1401-1442.

Comment "evaluates the constitutionality of criminal prosecutions under existing child protection and drug statutes" and "demonstrates that, even if constitutional, punitive measures will not alleviate the crisis." The author recommends "that instead of using scarce time and money to prosecute pregnant addicts, states should concentrate on making education, prenatal care, and drug treatment facilities readily available to addicted women."

Wish, Eric.

Drug testing. Washington, U.S. National Institute of Justice, 1988. 4 p. (Crime file study guide)

Examines issues surrounding the topic of drug testing for illict substances. The emphasis of this guide is on testing persons who have been arrested, or are under the supervision of the criminal justice system. Includes references and discussion questions.

Zeese, Kevin B.

Drug testing legal manual: guidelines and alternatives. New York, Clark Boardman, 1988- 1 v. (loose-leaf). (The Clark Boardman criminal law series)

D. FINANCIAL

Abramovsky, Abraham.
Money-laundering and narcotics prosecution. Fordham law review, v. 54, Mar. 1986: 471-505. LRS86-3811

Article analyzes and suggests "some basic measures necessary to balance the federal government's interest in fighting illegal narcotics syndicates with the precious fourth and fifth amendment rights of the general public."

Beckwith, Burnham P.
Eight forecasts for U.S. banking. Futurist, v. 23, Mar.-Apr. 1989: 27-33.

Predicts eight reforms which will transform the monetary and banking system by the year 2010. Suggests that cash will increasingly be replaced by checks, bank records will be used more to prevent crime, a single national security brokerage agency will hold titles to all securities, independent banks will decline in number, and direct deposit debiting and crediting will increase.

Blau, Charles W.
The right to financial privacy and the criminal referral process: a conflict in the terms and purpose of the money laundering statutes. Consumer finance law quarterly report, v. 44, winter 1990: 9-21.

Article reviews "the criminal problems inherent in compliance with the money laundering statutes enacted and enforced by the federal government. Additionally, the Right to Financial Privacy Act, and the criminal referral process will be examined."

Burnham, David
The abuse of power: misuse of the I.R.S. New York times magazine, Sept. 3, 1989: 25-27, 50, 52, 58, 61.

Examines examples of the use of Internal Revenue Service information by tax officials, either on their own or under pressure from the White House.

A law unto itself: power, politics, and the IRS. New York, Random House, 1989. 419 p.

"Through its unique power to give and take away tax exemptions, its unequaled authority to seize property and its unparalleled access to financial records, the IRS has become the nation's single most powerful instrument of social control. Burnham lucidly explains how the IRS came to be so powerful. He describes the way the IRS actually processes tax returns, selects individual taxpayers for audit and operates one of the most efficient collection agencies in the world."

Compliance update: Federal regulations for loss prevention. Edited by William G. Ditzel and Thomas J. Turner. Hamilton, Ohio, Mosler Anti-crime Bureau, 1989- 1 v. (loose-leaf).

Fabry, Scott M.
The unexercised power of the tax court to seal business, personal, and other confidential information in civil tax litigation. Taxes, v. 68, Nov. 1990: 814-826.

Analyzes the Tax Court's application of standards "developed by federal district and appellate courts for granting or denying protective orders to seal business records . . . finds inconsistencies and the need for courts to adopt appropriate standards."

Financial institutions symposium. Catholic University law review, v. 37, winter 1988: whole issue (279-575 p.)

Partial contents.--Facing the future--life without Glass-Steagall, by William M. Isaac and Melanie L. Fein.--Hue and cry in the counting-house: some observations on the Bank Secrecy Act, by Jonathan J. Rusch.--A critical view of Bank Secrecy Act enforcement and the money laundering statutes, by John K. Villa.

Fischer, Richard L.
The law of financial privacy: a compliance guide. Boston, Warren, Gorham & Lamont, 1991. 1 v. in various pagings.

Glynn, Lenny.
Can bankers help win the drug war? Institutional investor, v. 24, Feb. 1990: 77-80, 82-84.
"Desperate to choke off drug profits, the U.S. government has turned to bankers to help clean up the money-laundering mess. For banks, the risks are great and the rewards far from certain."

Grilli, Andrea M.
Preventing billions from being washed offshore: a growing approach to stopping international drug trafficking. Syracuse journal of international law and commerce, v. 14, fall 1987: 65-88.
"This Note discusses "how a drug trafficker launders money through a secrecy haven . . . . Examines the development of U.S. law regarding money laundering . . . [and] looks at the various methods the United States has used to reach this extraterritorial evidence, especially in connection with the Cayman Islands."

Huhs, Roy Elbert, Jr.
To disclose or not to disclose customer records. Banking law journal, v. 108, Jan.-Feb. 1991: 30-52.
"Today, banks are confronted with two conflicting and often irreconcilable duties: the duty to maintain the confidentiality of customer records and the duty to disclose such records whenever 'special circumstances' arise. This article analyzes the legal underpinnings and theories establishing the duty of confidentiality and those 'special circumstances' creating the duty to disclose."

Intriago, Charles A.
Money laundering: new penalties, risks, burdens for bankers. Bankers magazine, v. 173, Mar.-Apr. 1990: 50-55.
"Money laundering has become one of the government's principal fronts in the war on drugs. Banks that refuse to act as soldiers in this battle face stiff penalties and public humiliation." Includes a look at international efforts to coordinate money laundering efforts.

Landreth, Bill.
The Bank Secrecy Act: exemption regulations clarified: eliminate costly expenses of overcompliance with currency transaction report (CTR) filing. 1st ed. Springfield, Va., Amherst Enterprises, 1988. 89 p.

Maroldy, Laura M. L.
Recordkeeping and reporting in an attempt to stop the money laundering cycle: why blanket recording and reporting of wire and electronic funds transfers is not the answer. Notre Dame law review, v. 66, no. 3, 1991: 863-892.
Comment argues "that the money laundering business is bigger than ever. This means that drug traffickers and other criminals still have access to their recycled and disguised profits." Concludes that "the answer to the money laundering problem lies not with more blanket recording and reporting requirements, but with 'smarter,' targeted regulations, and with the encouragement of 'know your customer' policies."

Meltzer, Peter E.
Keeping money from reaching the wash cycle: a guide to the Bank Secrecy Act. Banking law journal, v. 108, May-June 1991: 230-255.
"The author describes the reporting obligations of a financial institution under the Bank Secrecy Act of 1970. He refers to the latest cases, regulations, and administrative rulings as well as to affiliated statutes such as the Money Laundering Control Act of 1986 and the Anti-Drug Abuse Act of 1988. Civil and criminal penalties for bank noncompliance are discussed as well as the issue of personal liability."

Moore, Roy L.
The 1978 Right to Financial Privacy Act and U.S. banking law. Communications and the law, v. 9, Dec. 1987: 23-44.
This article discusses the various sections of the Right to Financial Privacy Act which prohibits disclosure of information in customer records to Federal authorities. Despite numerous exceptions under the Act, it represents a step forward in protecting records from government intrusion.

Moore, W. John.
Nixing the cash injection. National journal, v. 21, Dec. 2, 1989: 2924-2929.
"The federal government is drafting the banking system into the war on drugs in an effort to break up drug dealers' money-laundering schemes. But bankers say they are reluctant to become cops."

O'Brien, Patrick T.
Tracking narco-dollars: the evolution of a potent weapon in the drug war. University of Miami interAmerican law review, v. 21, summer 1990: 637-677.
"The first section of this Article discusses the enactment of the Bank Records and Foreign Transactions Act of 1970, commonly referred to as the Bank Secrecy Act (BSA), which required the reporting of certain cash transactions to the Government . . . . The next section of this Article traces the use of the BSA during the first half of the 1980s, when it began to emerge as a major weapon in the war on drugs . . . . The third section of this Article covers the latter half of the 1980s, particularly, the Money Laundering Control Act of 1986 (MLCA)."

Palmer, Kevin A.
IRS search and seizure involving individual taxpayers: a constitutional checklist. Taxes, v. 64, Aug. 1986: 467-473.
"The author believes that, in an effort to bring a successful action under Rule 41(e) of the Federal Rules of Criminal Procedure for illegal search and seizure of taxpayers' documents, the practitioner must have a general familiarity with the taxpayer's constitutional rights in the face of an IRS search and seizure." Explains these constitutional rights.

Rosenblatt, Leonard R.
Marital privileges in tax fraud cases: the government's nonacquiescence in wedded bliss. Taxes, v. 65, Jan. 1987: 10-14.
"According to the author, recent decisions by the U.S. Supreme Court and by the circuit courts have raised substantial doubts as to the continued effectiveness of the protections afforded by marital privileges against disclosure by the taxpayer's spouse of incriminating evidence in a tax fraud investigation or prosecution."

Rosenblatt, Leonard R. Feld, Lawrence S.
Attending to legal tender: the perils of structuring currency transactions to avoid Treasury's reporting requirements. Taxes, v. 64, Apr. 1986: 222-228.
"This article presents an overview of the law and regulations regarding the reporting requirements for currency transactions in excess of $10,000. In addition, it discusses the issues which may arise as a result of advising clients to conduct currency transactions in a structured fashion."

Skousen, Mark.
The closing door: the end of financial privacy in America and how to protect yourself. Bethel, Conn., The Institute for the Preservation of Wealth, Inc., 1987. 245 p.
Partial contents.--Constitutional freedoms under attack.--The Bank Secrecy Act of 1970.--The Financial Privacy Act of 1978.--The Comprehensive Crime Control Act of 1984.--The domestic privacy scene.--Foreign privacy havens.

Strafer, G. Richard.
Money laundering: the crime of the '90's. American criminal law review, v. 27, summer 1989: 149-207.
Article reviews the 1986 and 1988 laws on money laundering, finding them to be "seriously flawed" because of "many defects" in their provisions. "Absent substantial modification by Congress, they will need considerable restriction by the judiciary to survive."

U.S. Congress. House. Committee on Banking, Finance and Urban Affairs.
Comprehensive Money Laundering Prevention Act; report to accompany H.R. 5176 including cost estimate of the Congressional Budget Office together with supplemental views. Washington, G.P.O., 1986. 69 p. (Report, House, 99th Congress, 2nd session, no. 99-746)

Money Laundering Control Act amendments of 1988. Hearing, 100th Congress, 2nd session. June 8, 1988. [Washington, G.P.O.] 1988. 71 p.
"Serial no. 100-70"

Money Laundering Control Amendments of 1988; report together with additional views to accompany H.R. 4853 including cost estimate of the Congressional Budget Office. Washington, G.P.O., 1988. 22 p. (Report, House, 100th Congress, 2nd session, no. 100-716)

Money laundering enforcement amendments of 1991; report to accompany H.R. 26 including cost estimate of the Congressional Budget Office. Washington, G.P.O., 1991. 99 p. (Report, House, 102nd Congress, 1st session, no. 102-28, part 1)

U.S. Congress. House. Committee on Banking Finance and Urban Affairs. Subcommittees on Financial Institutions Supervision, Regulation and Insurance.
Money laundering. Hearing, 101st Congress, 1st session. Nov. 14-15, 1989. Washington, G.P.O., 1990. 209 p.
"Serial no. 101-64"
Addresses the ease with which drug dealers are able to move large sums of money from the U.S. to safe havens abroad and the enforcement actions needed to stop such movements.

Money Laundering Control Act of 1986 and the regulations implementing the Bank Secrecy Act. Hearings, 100th Congress, 1st session. Washington, G.P.O., 1987. 403 p.
"Serial no. 100-19"
Hearings held May 6 and June 9, 1987.

Money Laundering Enforcement Amendments of 1991 (H.R. 26). Hearing, 102nd Congress, 1st session. Feb. 19, 1991. Washington, G.P.O., 1991. 82 p.
"Serial no. 102-4"

Money laundering legislation. Hearing, 101st Congress, 2nd session. Mar. 8, 1990. Washington, G.P.O., 1990. 161 p.
"Serial no. 101-88"

Tax evasion, drug trafficking, and money laundering as they involve financial institutions. Hearings, 99th Congress, 2nd session, on H.R. 1367 . . . H.R. 1474 . . . H.R. 1945 . . . H.R. 2785 . . . H.R. 3892 . . . H.R. 4280 . . . H.R. 4573. April 16 and May 14, 1986. Washington, G.P.O., 1986. 1264 p.

U.S. Congress. House. Committee on the Judiciary.
Current problem of money laundering. Hearings, 99th Congress, 1st session. Washington, G.P.O., 1987. 530 p.
"Serial no. 109"
Hearings held Apr. 16-Sept. 12, 1985.

Enforcement of narcotics, firearms, and money laundering laws. Oversight hearings, 100th Congress, 2nd session. Washington, G.P.O., 1989. 293 p.
Hearings held July 28-Oct. 5, 1988.
"Serial no. 138"

Money Laundering Control Act of 1986; report to accompany H.R. 521[illegible] including cost estimate of the Congressional Budget Office. Washington, G.P.O., 1986. 34 p. (Report, House, 99th Congress, 2nd session, no. 99-855, part 1)

U.S. Congress. House. Committee on Ways and Means. Subcommittee on Oversight.
Business community's compliance with Federal money laundering statutes. Hearing, 101st Congress, 2nd session. Sept. 20, 1990. Washington, G.P.O., 1991. 234 p.
"Serial 101-126"

Money laundering operations and the role of the Department of the Treasury. Hearing, 99th Congress, 1st session. Sept. 12, 1985. Washington, G.P.O., 1986. 21 p.
"Serial 99-62"

U.S. Congress. Senate Caucus on International Narcotics Control.
Legislation aimed at combating international drug trafficking and money laundering; a staff report. Washington, G.P.O., 1987. 213 p. (Print, Senate, 100th Congress, 1st session, S. Prt. 100-67)

U.S. Congress. Senate. Committee on Banking, Housing, and Urban Affairs.
Depository Institution Money Laundering Amendments of 1990. Hearing, 101st Congress, 2nd session on S. 2327, S. 2651 and H.R. 3848. May 18, 1990. Washington, G.P.O., 1990. 292 p. (Hearing, Senate, 101st Congress, 2nd session, S. Hrg. 101-905)

The Drug Money Seizure Act and the Bank Secrecy Act amendments. Hearing, 99th Congress, 2nd session on S. 571 and S. 2306. May 1, 1986. Washington, G.P.O., 1986. 230 p. (Hearing, Senate, 99th Congress, 2nd session, S. Hrg. 99-692)

Money Laundering Enforcement Amendments of 1990; report to accompany S. 3037 together with additional views. Washington, G.P.O., 1990. 51 p. (Report, Senate, 101st Congress, 2nd session, no. 101-460)

U.S. Congress. Senate. Committee on Banking, Housing, and Urban Affairs. Subcommittee on Consumer and Regulatory Affairs.
Drug money laundering control efforts. Hearing, 101st Congress, 1st session. Nov. 1, 1989. Washington, G.P.O., 1990. 211 p. (Hearing, Senate, 101st Congress, 1st session, S. Hrg. 101-492)

U.S. Congress. Senate. Committee on Foreign Relations. Subcommittee on Narcotics, Terrorism and International Operations.
Drug money laundering, banks and foreign policy: September 27, October 4, and November 1, 1989; report. Washington, G.P.O., 1990. 35 p. (Print, Senate, 101st Congress, 2nd session, committee print S. Prt. 101-104)

International money laundering: law enforcement and foreign policy. Hearing, 101st Congress, 1st session. Sept. 27-Oct. 4, 1989. Washington, G.P.O., 1990. 113 p. (Hearing, Senate, 101st Congress, 1st session, S. Hrg. 101-908)

U.S. Congress. Senate. Committee on Governmental Affairs. Permanent Subcommittee on Investigations.
Banking Secrecy Act. Hearing, 99th Congress, 1st session. Oct. 29, 1985. Washington, G.P.O., 1986. 34 p. (Hearing, Senate, 99th Congress, 1st session, S. Hrg. 99-472)

Domestic money laundering: Bank Secrecy Act compliance and enforcement; report. Washington, G.P.O., 1986. 32 p. (Print, Senate, 99th Congress, 2nd session, S. Prt. 99-201)

General Accounting Office findings on the enforcement of the Bank Secrecy Act. Hearing, 99th Congress, 2nd session. June 12, 1986. Washington, G.P.O., 1986. 51 p. (Hearing, Senate, 99th Congress, 2nd session, S. Hrg. 99-781)

U.S. Congress. Senate. Committee on the Judiciary.
The Money Laundering Crimes Act of 1986; report to accompany S. 2683. Washington, G.P.O., 1986. 42 p. (Report, Senate, 99th Congress, 2nd session, no. 99-433)

Money laundering legislation. Hearing, 99th Congress, 1st session on S. 572, S. 1335, and S. 1385. Oct. 29, 1985. Washington, G.P.O., 1986. 241 p. (Hearing, Senate, 99th Congress, 1st session, S. Hrg. 99-540)

U.S. General Accounting Office.

Bank Secrecy Act: financial institution regulators' compliance examinations; report to the chairman, Permanent Subcommittee on Investigations, Committee on Governmental Affairs, United States Senate. Aug. 1986. Washington, G.A.O., 1986. 53 p.

"GAO/GGD-86-94"

Bank Secrecy Act: Treasury can improve implementation of the Act; report to the Chairman, Permanent Subcommittee on Investigations, Committee on Government Affairs, United States Senate. June 1986. Washington, G.A.O., 1986. 38 p.

"GAO/GGD-86-95"

"This report shows that, be[illegible]ing in 1985, Treasury has taken steps to improve implementation of the A[illegible] that opportunities exist for further improvements. The report also s[illegible] federal law enforcement personnel in Florida and California are using th[illegible] and the data generated by it, primarily to detect and punish those engaged in [illegible]ey laundering schemes."

Information returns: correcting taxpayer identification is possible without disclosing tax data; report to the chairman, Committee on Finance, U.S. Senate, and the chairman, Committee on Ways and Means, House of Representatives. June 5, 1990. Washington, G.A.O., 1990. 10 p.

Volk, Robert T.

Cleaning up dirty money. Bankers magazine, v. 171, Jan.-Feb. 1988: 68-71.

Says law enforcement is playing hardball with banks that fail to file currency transaction reports.

Welling, Sarah N.

Smurfs, money laundering, and the Federal criminal law: the crime of structuring transactions. Florida law review, v. 41, spring 1989: 287-343.

Article describes the circumstances leading up to passage of and provisions of the 1986 Money Laundering Control Act, which made it a crime to use multiple cash transactions under $10,000 (requiring the services of ubiquitous "smurfs" scurrying between banks) to avoid the cash transaction reporting threshold of the 1970 Bank Secrecy Act. "The article concludes that on balance, the reduction in privacy that the anti-smurfing statute effects is warranted by the harm money laundering and the drug trade cause."

Wolfteich, Paul G.

Making criminal defense a crime under 18 U.S.C. section 1957. Vanderbilt law review, v. 41, May 1988: 843-877.

Comment "considers whether attorneys should be prosecuted under section 1957 of the Money Laundering Control Act for knowingly receiving tainted, bona fide attorneys' fees. It concludes that prosecution would serve the public interest in certain cases."

VI. TECHNOLOGICAL CHALLENGES

Adamson, Bryan. Hsiung, James C.

Direct broadcast satellite: a proposal for a global/regional system. Communications and the law, v. 10, Feb. 1988: 3-18.

Discusses "the possibility of establishing a global/regional direct broadcast satellite (DBS) system. Some of the problems associated with establishing a system are "spillover, equal access, privacy, national sovereignty, the free flow of information, prior consent, and cultural invasion."

The Advent of DNA data banks: implications for information privacy. American journal of law & medicine, v. 16, no. 3, 1990: 381-398.

"Genetic identification tests--better known as DNA profiling--currently allow criminal investigators to connect suspects to physical samples retrieved from a victim or the scene of a crime .... This Note explores the privacy concerns arising out of the collection and retention of extremely personal information in a central database. The potential for unauthorized access by those not investigating a particular crime compels the implementation of national standards and stringent security measures."

Amirrezvani, Anita.

The data game. Governing, v. 3, Feb. 1990: 42-45.

"Modern technology has made information about individuals both accessible and vulnerable. A few states are trying to balance the need to protect sensitive data with open-government concerns."

Annas, George J.

The impact of medical technology on the pregnant woman's right to privacy. American journal of law & medicine, v. 13, no. 2-3, 1987: 213-232.

Explores "developing reproductive medical technology with a view toward examining the way it might change our concept of humanness, and how this change might be accommodated, encouraged, or truncated by the relationship between the government and its pregnant citizens as defined by the United States Constitution and the 'right of privacy.'"

Bromberg, Craig.

In defense of hackers. New York times magazine, Apr. 21, 1991: 44-49.

Mitch Kapor and John Perry Barlow, software designers and hackers, teamed up to form Electronic Frontier Foundation to help give protection to hackers being prosecuted by the Federal Government in a campaign against computer crime.

Brown, Geoffrey

The information game: ethical issues in a microchip world. Atlantic Highlands, N.J., Humanities Press International, 1990. 163 p.

Brown, James.

The consumer and the debit card: don't leave home without it. EFT today, v. 1, Mar. 1988: 19-21.

"Consumer concerns regarding [point-of-scale] transactions will probably be very similar to consumer concerns about ATM transactions expressed 10 or 15 years ago. They are concerned about participation, pricing, promptness of payment and privacy."

Call, Barbara Jo.

Polygraph regulations: a trend toward tougher standards. Employee relations law journal, v. 11, spring 1986: 585-603.

Article "alerts management to potential problem areas in polygraph testing and offers concrete guidelines to employers willing to assume the risk of testing their employees and job applicants by polygraph."

Commercial newsgathering from space; a technical memorandum. Washington, Office of Technology Assessment, 1987. 49 p.

"OTA-TM-ISC-40"

"The news media have begun to increase the use of satellite imagery in reporting on world events. This has led some to believe that the media will soon wish to own and operate their own remote sensing systems dedicated to newsgathering. The media have generally supported the idea of a dedicated 'mediasat' because it could supply a stream of timely and critical information, peering where repressive governments or dangerous natural environments have heretofore kept the press at bay. However, the media's use of this potentially intrusive technology could create national security problems, complicate U.S. foreign relations, and, perhaps, erode the average citizen's expectation of personal privacy."

Corn, Robert L.

The odyssey of Federal wiretapping law--beware of Meese bearing gifts. Cato policy report, v. 9, Jan.-Feb. 1987: 1, 13-15.

Compares the recently enacted Electronic Communications Privacy Act with its predecessor, title III of the 1968 Omnibus Crime Control and Safe Streets Act, and finds it wanting. "While much of the act is confusing, one thing is clear: it establishes a lower level of protection for electronic communications than Title III had provided for wire and oral communications."

Cross, Jeffrey L.

The Employee Polygraph Protection Act of 1988: background and implications. Labor law journal, v. 40, Oct. 1989: 663-671.

Article explores possible alternatives that employers have since the passage of the Employee Polygraph Protection Act which prohibits private employers from using lie detector tests. Also looks at specific provisions of the Act.

Cullen, Charles P.

The specific incident exemption of the Employee Polygraph Protection Act: deceptively straightforward. Notre Dame law review, v. 65, no. 2, 1990: 262-286.

Note examines the use of polygraph tests in the private sector and looks at the legislative history of the Employee Polygraph Act of 1988. "Focuses on the requirements of the specific incident exemption and attempts to clarify when employers may conduct polygraph examinations under this exemption."

DelCarmen, Rolando V. Vaughn, Joseph B.

Legal issues in the use of electronic surveillance in probation. Federal probation, v. 50, June 1986: 60-69.

"One proposed incarceration alternative is intensive supervision through the use of electronic devices to monitor offenders. The solution is now technologically feasible and is being used in a few jurisdictions. This article examines the current use of the device and some possible constitutional and legal challenges to its use."

Electronic delivery of public assistance benefits: technology options and policy issues. Washington, Office of Technology Assessment, for sale by the Supt. of Docs., G.P.O., 1988. 21 p.

"OTA-BP-CIT-47"

"Discusses the technological options available for use in an electronic system to deliver public assistance benefits, the privacy and security implications of such a system, and the programmatic effects of changing to an electronic delivery system."

The Electronic supervisor: new technology, new tensions. Washington, Office of Technology Assessment, for sale by the Supt. of Docs., G.P.O., 1987. 139 p.

"OTA-CIT-333"

"Deals with the use of computer-based technologies to measure how fast or how accurately employees work. New computer-based office systems are giving employers new ways to supervise job performance and control employees' use of telephones, but such systems are also controversial because they generate such detailed information about the employees they monitor. This assessment explores a broad range of questions related to the use of new technology in the workplace and its effects on privacy, civil liberties, and quality of working life."

Employee Polygraph Protection Act of 1988: law and explanation. Chicago, Commerce Clearing House, 1988. 32 p.
"Signed into law by the President, June 27, 1988, Public Law 100-347."
"Restrictions on use of lie detector tests".

Fandetti, Kenneth M. Ohsberg, Linda A.
Rhode Island's child protective service system. Child welfare, v. 66, Nov.-Dec. 1987: 529-538.
"Rhode Island has found that an adaption of the Illinois child protective services system has successfully enabled it to improve its protective service, giving primacy to children's rights while minimizing intrusion on family privacy."

Federal Government information technology: electronic record systems and individual privacy. Washington, Office of Technology Assessment, for sale by the Supt. of Docs., G.P.O., 1986. 152 p.
"OTA-CIT-296, June 1986"
"This report addresses four major areas: 1) technological developments relevant to government record systems; 2) current and prospective Federal agency use of electronic record systems; 3) the interaction of technology and public law relevant to protecting privacy; and 4) possible policy actions that warrant congressional attention, including amendment of existing laws."

Fiatal, Robert A.
Lights, camera, action: video surveillance and the fourth amendment. FBI law enforcement bulletin, v. 58, Jan. 1989: 23-30; Feb.: 26-31.
"It is the purpose of this two-part article to examine and analyze three differing types of video surveillance activity in reference to fourth amendment guidelines."

Fickel, Louise.
Don't look now, but... Infoworld, v. 13, May 13, 1991: 50-51, 54-55.
"A new crop of network products is forcing a debate over workplace monitoring."

First amendment and the paratroopers' paradox. Texas law review, v. 68, May 1990: whole issue (1087-1335 p.)
Partial contents.--Colloquy: the first amendment and the paratroopers' paradox.--The First amendment in an age of paratroopers, by Ronald K. L. Collins & David M. Skover.--Free press v. privacy: haunted by the ghost of Justice Black, by Peter B. Edelman.

Fishman, Clifford S.
Technologically enhanced visual surveillance and the fourth amendment: sophistication, availability and the expectation of privacy. American criminal law review, v. 26, fall 1988: 315-358.
Article concludes that "since 1983, the Supreme Court has decided seven cases that focus on when scientifically enhanced visual surveillance constitutes a 'search' subject to fourth amendment restrictions and standards. In addressing this issue, the Court, sometimes implicitly and sometimes explicitly, has considered three separate factors: the sophistication (or sense-enhancing capacity) of the surveillance equipment; its availability to the general public; and the nature of the information sought and revealed by the surveillance."

Fitzpatrick, Robert B.
The Employee Polygraph Protection Act of 1988. Federal Bar news & journal, v. 35, Oct. 1988: 369-373.
Discussing "the Employee Polygraphy Protection Act of 1988, many new implications on employers' use of polygraphs are delineated, along with their consequences."

Polygraph testing of employees in private industry: a legal overview. Federal Bar news & journal, v. 35, Mar.-Apr. 1988: 132-137.
Article describes "the process of polygraph testing, the criticisms and merits of its usage, common law remedies pursued by employees injured by employer use of the polygraph, and pending federal legislation."

Flaherty, David H.

The emergence of surveillance societies in the Western world: toward the year 2000. Government information quarterly, v. 5, no. 4, 1988: 377-387.

"The various automated databases now in existence make possible fairly integrated monitoring of individuals in Western countries. The proliferation of such information banks in both the public and private sectors, rather than the existence of any single one of them, poses the fundamental challenge to privacy interests. In North America, in particular, the application of information technology is galloping ahead of regulation and control."

Protecting privacy in surveillance societies: the Federal Republic of Germany, Sweden, France, Canada, and the United States. Chapel Hill, University of North Carolina Press, 1989. 483 p.

Freedman, Warren.

The right of privacy in the computer age. New York, Quorum Books, 1987. 163 p.

Frieden, Luc.

Newsgathering by satellites: a new challenge to international and national law at the dawn of the twenty-first century. Stanford journal of international law, v. 25, fall 1988: 103-193.

"Part I of this article addresses the extent to which mediasatellites, because they are conducting a space-based activity, are regulated by international space law. Part II discusses the status of newsgathering under international law and in selected national jurisdictions. Part III devotes attention to concerns that mediasatellites may threaten privacy rights and national security interests. Part III also examines the jurisdictional questions . . . . Finally, Part III proposes a new international legal regime for regulating media newsgathering by satellites."

Ganley, Gladys D.

Power to the people via personal electronic media. Washington quarterly, v. 14, spring 1991: 5-22.

Author concludes that "a world where information flies across borders on the wings of magnetic tapes, computer networks, and faxed copies requires some rethinking. In free societies, access to information tends to be regarded as 'democratizing' and therefore desirable. But such instantaneous access on such a wide scale has never before been possible and could create such unsettling shifts that the overall results might not be all positive."

Glaser, Peter E. Brender, Mark E.

The first amendment in space: news gathering from satellites. Issues in science and technology, v. 3, fall 1986: 60-67.

"Within the next decade news organizations could be able to take pictures from advanced remote-sensing satellites of any place on earth, producing images of extraordinary detail. This new dimension of news gathering--the product of gradual changes in technologies such as optics, data processing, and computer image enhancement--will pose difficult problems in a wide range of policy areas including national security, privacy, and freedom of the press."

Goldsmith, Michael. Balmforth, Kathryn Ogden.

The electronic surveillance of privileged communications: a conflict in doctrines. Southern California law review, v. 64, May 1991: 903-950.

"This Article explores the law's failure to protect privileged communications from electronic surveillance and advances a proposal designed to protect these communications without creating sanctuaries for criminals who may abuse privilege doctrine."

Green, Alan.

Big brother is scanning you. Regardie's, v. 11, Dec. 1990: 42, 44-50, 52, 54, 56, 58.

"Using a bar code, the government can track your every movement coast to coast. Your grocer can monitor your bank account. Your boss can keep tabs on how often you visit the men's room. Think it can't happen here? It already is."

Gutterman, Melvin.

A formulation of the value and means models of the fourth amendment in the age of technologically enhanced surveillance. Syracuse law review, v. 39, no. 2, 1988: 647-735.

"Article formulates the view that all Supreme Court cases that have sought to define the parameters of a 'search' under the fourth amendment have been based on either a preference for the privacy value or an acceptance of the means employed by the government . . . . Fourth amendment jurisprudence will be best served by adhering to a 'value-dominated model' that is capable of reconciling the competing privacy interests with modern technological surveillance."

Hansell, Saul.

Getting to know you. Institutional investor, v. 25, June 1991: 71-74, 79-80, 82, 84, 86.

"Getting to know all about you, in fact--whether you like it or not. With their powerful new data bases, U.S. banks and brokers have discovered the big bucks in being Big Brother."

Hanson, Gayle.

Computer users pack a keypunch in a high-tech world of crime. Insight (Washington times), v. 7, Apr. 15, 1991: 8-17.

"As the use of computer technology grows, so do the opportunities for crime. Small-time hackers get the most publicity, but experts say scams against corporations, banks and government are the real problem. Authorities and computer users both are grasping for answers, but any solution will have to balance questions of security and constitutional freedoms."

Hernandez, Ruel Torres.

ECPA and online computer privacy. Federal communications law journal, v. 41, Nov. 1988: 17-41.

"This Article will discuss the following issues: (1) the computer communications environment; (2) an example of the pre-ECPA [Electronic Communications Privacy Act] criminal situation; (3) the law prior to the passage of ECPA; (4) a preliminary discussion of ECPA with emphasis on its criminal procedure aspects; (5) ECPA as applied in the civil context to the Thompson situation; and (6) ECPA as applied in the civil context to the corporate situation."

Improved services through technology. In Management of the United States Government, fiscal year 1988. [Washington] Office of Management and Budget [1987] p. 47-63.

"The administration is making improvements in: (1) the Government's major systems, (2) the acquisition and financing of computer systems, (3) the Federal information technology workforce, and (4) information management policies, especially those concerning privacy."

Jacobs, Roger B. Koch, Cora S.

Polygraph testing: weighing the risks. Employee relations law journal, v. 14, autumn 1988: 203-222.

"Employers around the country have responded to wider incidence of employee theft and drug use by administering various types of lie detector tests to current and prospective employees. State laws regulating this use of lie detector tests vary in their restrictiveness. Yet, regardless of the level of regulation, where employees have brought claims of wrongful discharge, handicapped discrimination, or privacy violation resulting from polygraph testing, the state courts have interpreted the existing law strictly . . . . In the following article, the authors survey current polygraph laws, as well as recent cases, and offer suggestions to employers for keeping within the law in this area."

Jahnke, Art.

The cops come to cyberspace. Boston, v. 82, Nov. 1990: 92-93, 140-142.

Explores whether computer laws, Federal or State, are too broad and unfair. Questions how to "keep information open and secure in a world where more and more of the vital information takes digital form? How do we balance things so that we maximize the free flow of information and give those who use it a sense of security?"

Kastenmeier, Robert W. Leavy, Deborah. Beier, David.
Communications privacy: a legislative perspective. Wisconsin law review, v. 1989, no. 4, 1989: 715-737.

Article examines "the congressional effort to update the law concerning electronic communications privacy. The authors discuss various communication technologies and the extent of the legal protections for each technology both before and after the Electronic Communications Privacy Act. Finally, the authors discuss how Congress balanced the various political interests which resulted in this particular legislative solution."

Katz, James E.
Caller-ID, privacy and social processes. Telecommunications policy, v. 14, Oct. 1990: 372-411.

"This article analyses Caller-ID, a form of calling number identification (CNI), which is similar to automatic number identification (ANI), in light of its privacy and social equity impact, and presents research findings that tend to support the precedence of callees' rights to know who is using their time and equipment over callers' rights to anonymity. The author . . . [concludes that Caller-ID] will have the greatest value to some of the most vulnerable members of society. He recommends certain safeguards in implementation and a method to resolve the issue of blocking."

Telecommunications and computers: whither privacy policy? Society, v. 25, Nov.-Dec. 1987: 281-286.

Argues that while there is great public concern over individual privacy regarding computers and new telecommunications technology, technological change may improve the level of personal privacy.

US telecommunications privacy policy. Telecommunications, v. 12, Dec. 1988: 353-368.

"Deciding on who should know about Americans' private telephone conversations and other forms of telecommunicating has always been an issue fraught with, on the one hand, fear of intrusive government or corporate agents and, on the other, a desire for government and corporations to control crime and vend services respectively. This article looks at how legal and legislative compromises have been reached in order to address differing goals, and what forms future privacy issues may take. The discussion focuses first on the political origins of the USA's current laws governing privacy and the telephone, then on novel privacy issues arising out of new telecommunications technologies."

Knowlton, Thomas A.
Interceptors and innocent recipients: applying the Federal wiretapping law's exclusionary rule to private participant monitoring. Boston College law review, v. 29, Sept. 1988: 901-940.

Comment "analyzes the federal law concerning private participant monitoring. It also considers under what circumstances courts should suppress evidence obtained from unlawful private participant monitoring."

Kraemer, Kenneth L. King, John Leslie.
Computers and the Constitution: a helpful, harmful or harmless relationship? Public administration review, v. 47, Jan.-Feb. 1987: 93-105.

"The growing use of computers by government agencies at all levels of the U.S. federal system raises fundamental questions of significance for the Constitution. Chief among these are whether computing will upset the delicate balances struck by the Constitution among the branches of government in the separation of powers doctrine, among the levels of government in federalism, between government and the people in the Amendments, and between various factions in the political system in the electoral process." Notes that computerization may give temporary advantages to certain parties; urges vigilance for possible constitutional problems.

LaDue, John.
Electronic surveillance and conversations in plain view: admitting intercepted communications relating to crimes not specified in the surveillance order. Notre Dame law review, v. 65, July-Sept. 1990: 490-535.

"Part I of this Note discusses the development and present state of the plain view doctrine. Parts II and III examine the admissibility of intercepted conversations relating to crimes not described in the surveillance order (plain view interceptions) under federal and state law. Part IV argues that these conversations should be admissible as evidence in court . . . . Part V concludes that these legislative reforms are especially necessary in light of the contemporary prevalence of organized, narcotics-related crime."

Larson, Lyle D.
An end-run around the fourth amendment: why roving surveillance is unconstitutional. American criminal law review, v. 28, summer 1990: 143-160.

"This [Comment] will illustrate that a search conducted pursuant to a roving surveillance order is unconstitutional. The [Comment] first reviews the statutory landscape of electronic surveillance before the creation, in 1986, of roving surveillance orders. Then it presents four separate but related reasons that such a search is unconstitutional."

Laudon, Kenneth C.
Dossier society: value choices in the design of national information systems. New York, Columbia University Press, 1986. 421 p.

Law of privacy rights in a technological society. General editor, Irving J. Sloan. Dobbs Ferry, N.Y., Oceana Publications, 1986. 137 p.

Lie detectors in the workplace: the need for civil actions against em[illegible]. Harvard law review, v. 101, Feb. 1988: 806-825.

Comment "argues that courts in all states shou[illegible] who are fired for failing or refusing to take a polygraph exam t[illegible] f action for wrongful discharge based on a public policy except[illegible] ent-at-will doctrine. This Note further contends that judicial p[illegible] be extended to job applicants."

Longobardi, JoAnn Marie.
DNA fingerprinting and the need for a national data base. Fordham urban law journal, v. 17, Sept.-Oct. 1989: 323-357.

Comment "argues that DNA fingerprinting is an invaluable tool for prosecutors and defense attorneys alike, and that because the benefits to society will outweigh any potential invasions of privacy, a national data base of DNA fingerprints should be established."

Marshall, Patrick G.
Your right to privacy. Washington, Congressional Quarterly, 1989. 29-44 p. (Editorial research reports 1989, v. 1, no. 3)

"New and inexpensive eavesdropping devices, growing networks of private and government data bases and increases in government surveillance activities are making it harder for citizens to fend off prying eyes and ears."

Marx, Gary T. Sherizen, Sanford.
Corporations that spy on their employees. Business and society review, no. 60, winter 1987: 32-37.

Examines the use of technological monitoring of workers by U.S. corporations.

Monitoring on the job: how to protect privacy as well as property. Technology review, v. 89, Nov.-Dec. 1986: 63-67, 70-72.

"Powerful new monitoring technologies can be used to improve workplace security, but they also threaten employee privacy rights."

McDonald, Evelyn C.
The message is the medium. Government data systems, v. 17, Apr. 1988: 6-8.

"Computers are being used increasingly to tailor political mailings to particular groups of voters. The technique is growing more sophisticated and effective, but it entails serious questions about privacy and propriety."

McManus, Thomas E.
Telephone transaction-generated information: rights and restrictions. Cambridge, Mass., Harvard University, 1990. 99 p.

Morrissey, David H.
The age of electronic government. APF Alicia Patterson Fund reporter, v. 12, spring 1989: 16-22.

"The arrival of the government computer presents several problems for the Freedom of Information Act. It also has implications for government policies on secrecy and disclosure. These include defining how electronic technology will be applied to a law written for paper documents, determining who will cast these new definitions and set the government's new information policies, and deciding who will pay for these changes."

Nadel, Mark S.
Rings of privacy: unsolicited telephone calls and the right of privacy. Yale journal on regulation, v. 4, fall 1986: 99-128.

"Article discusses what actions might be taken to ensure the privacy of those who want it while protecting the rights to free speech of those who benefit from unsolicited calls . . . . After reviewing existing alternatives, two types of solutions are proposed. The first is a no solicitation directory to identify those telephone subscribers who do not want unsolicited calls from unsolicited callers. The second type of solution uses telephone technology in one of two ways--either to create the telephone equivalent of a 'no solicitors' sign or to allow individuals to block calls from designated telephone numbers."

Peck, Robert S.
The right to be left alone. Human rights, v. 15, fall 1987: 27-31, 50-51.

"The computerization of society has important and possibly unsettling implications that invite a reexamination of the still-emerging constitutional right of privacy." Discusses privacy issues and concludes that "the courts must assume a leading role in addressing newly emerging issues in order to reach a rational accommodation between the benefits of technological progress and the attendant threats to individual freedom. Statutory solutions cannot meet the rapid need for change."

Pfleeger, Charles P.
Security in computing. Englewood Cliffs, N.J., Prentice-Hall, 1989. 538 p.

Polygraph testing: the pros and cons. Management review, v. 75, Jan. 1986: 59-62.

Director of public relations of the American Polygraph Association, Joseph P. Buckley, argues in favor of the use of lie detectors by the business community; associate director of the New York Liberties Union, Norma Collins argues against their use.

Power, Robert C.
Technology and the fourth amendment: a proposed formulation for visual searches. Journal of criminal law & criminology, v. 80, spring 1989: 1-113.

"Article addresses legal responses to visual observations by law enforcement officers, most of them using enhancement devices such as binoculars or telescope," and then "proposes a model of analysis for visual searches that is premised on four norms--general principles that follow from widely shared notions of personal privacy and law enforcement responsibility."

Raskin, David C.
The polygraph in 1986: scientific, professional and legal issues surrounding application and acceptance of polygraph evidence. Utah law review, v. 1986, no. 1, 1986: 29-74.

Reamer, Frederic G.
The use of modern technology in social work: ethical dilemmas. Social work, v. 31, Nov.-Dec. 1986: 469-472.

"The very availability of technology has introduced a series of complex ethical dilemmas that social workers are just beginning to explore, primarily concerning the allocation and possible misuse of this technology. These ethical concerns pertain principally to issues of privacy, behavior control, and health care."

Reece, Laurence H., III.

Computer monitoring and privacy: is the Orwellian nightmare here? National law journal, v. 10, Feb. 15, 1988: 20-21.

Examines computer monitoring in the workplace and discusses "how existing federal and state laws may apply." Also reviews proposed legislation on the national and state levels addressing some of the problems raised by this new technology.

Richman, Steven M.

Voices that go bump in the night: conflicting rights under the wiretap statutes. Seton Hall legislative journal, v. 11, no. 1, 1987: 171-199.

Article "looks to legislative and judicial attempts to address the broader issues of the obligations of non-law enforcement individuals who intentionally or inadvertently intercept electronic data through the operation of a radio or other non-intrusive equipment," focusing on "the protections given to such individuals when the information is disclosed to the appropriate authorities. The concern is that, in their zeal to protect an individual's privacy rights, legislators have imposed a moral, if not legal, straitjacket upon the ultimate recipient of the information."

Robb, David W. Broadbent, Steven W.

Government Computer News profile on the Treasury Department. Government computer news, v. 9, Apr. 30, 1990: 59, 62, 64-68.

Contents.--IRS readies a plan to revamp aging tax system; ADP modernization effort may cost $6 billion, but it's long overdue, by David W. Robb.--Respecting vital projects of each bureau; an interview with Steven W. Broadbent, Deputy Assistant Secretary for Information Systems.--Network aids Secret Service's portable protection, by David Robb.--[Treasury] Computer Center tracks criminals by their finances, by David W. Robb.

Rothfeder, Jeffrey.

Is nothing private? Business week, no. 3122, Sept. 4, 1989: 74-77, 80-82.

"Computers hold lots of data on you--and there are few limits on its use." Includes sidebar on p. 77 by Michele Galen with Jeffrey Rothfeder, The right to privacy: there's more loophole than law; sidebar on p. 82 by Stephen Phillips, Never mind your number--they've got your name"; and sidebar on p. 82 by Jeffrey Rothfeder, The scoop on snooping: it's a cinch.

Rubin, Michael Rogers.

Private rights, public wrongs: the computer and personal privacy. Norwood, N.J., Ablex Pub. Corp., 1988. 153 p.

Schmidt, Annesley K.

Electronic monitors. Federal probation, v. 50, June 1986: 56-59.

Looks at some of the questions surrounding the use of electronic monitors, such as "should equipment be purchased? Can it be used legally? On whom should it be used? Will the community accept it? Will monitors provide the community with additional protection?"

Seline, Christopher J.

Eavesdropping on the compromising emanations of electronic equipment: the laws of England and the United States. Case Western Reserve journal of international law, v. 23, spring 1991: 359-398.

"For less than two hundred dollars it is possible to see what someone is typing on their computer screen from several hundred yards away. The device that makes this possible can be built from easily-available parts for under two hundred dollars . . . . This note will explore the legality of this type of emanations surveillance in the United States and England. It will deal specifically with the legality of individuals using such surveillance to eavesdrop on the emanations of electronic equipment. Prohibitions and limitations on its use by governments, their agents, and employees will be examined only as each intersects the main topic."

Sieber, Ulrich.

The international handbook on computer crime: computer-related economic crime and the infringements of privacy. New York, Wiley, 1986. 276 p.

Simitis, Spiros.

Reviewing privacy in an information society. University of Pennsylvania law review, v. 135, Mar. 1987: 707-746.

Drawing on examples from several countries, this article discusses automated information technologies like computerized data bases, smart cards, and videotex and explores how widely available personal data may contribute to decisionmaking in a democratic society but may also impinge on the individual's right to be left alone. Argues for regulations creating precisely specified conditions for processing of personal data.

Snitow, Ann.

The paradox of birth technology. Ms., v. 15, Dec. 1986: 42, 44, 46, 76-77.

"The new reproductive technologies cause unease because they insert a scalpel between mother and father, parent and child, egg and sperm, X chromosome and Y. Whether we [women] win or lose any particular fight for reproductive self-determination, in these struggles we are seeing the underlying laws of gender quiver and shake."

Steinberg, David E.

Making sense of sense-enhanced searches. Minnesota law review, v. 74, Feb. 1990: 563-629.

"In this Article, Professor David Steinberg argues that the Supreme Court's treatment of technological, or 'sense-enhanced,' searches has been chaotic and unpredictable . . . . Professor Steinberg examines four asserted rationales for determining when a warrant is required: 1) whether a physical trespass occurred, 2) whether the monitoring is visual or aural, 3) whether the evidence was in 'plain view,' and 4) whether the defendant implicitly consented to the search . . . . Professor Steinberg applys his test to canine sniffs, fluorescent powders, aerial surveillance, beepers, and pen registers, and concludes that, under this analysis, courts are incorrectly applying the warrant clause to some of these search devices."

Susser, Peter A.

Electronic monitoring in the private sector: how closely should employers supervise their workers? Employee relations law journal, v. 13, spring 1988: 575-598.

"This article explores the worker privacy interests that some critics believe to be compromised by electronic monitoring practices in the private sector . . . . The discussion examines existing freedoms and proposed constraints on employer actions, as well as the effects of electronic monitoring practices on a firm's employee and labor relations programs."

Symposium on civil rights and civil liberties in the workplace. Harvard civil rights-civil liberties law review, v. 23, winter 1988: 1-137.

Contents.--Introduction.--Labor-management cooperation and the law: perspectives from year two of the Laws Project, by Steven M. Fetter and Joy K. Reynolds.--Cooperation vs. competition at Eastern Air Lines, by Beverly Smaby.--The labor-management cooperation debate: a workplace democracy perspective, by Karl E. Klare.--Lie detectors in employment, by Michael Tiner and Daniel J. O'Grady.--Reflections on affirmative action after Paradise and Johnson, by Robert Belton.

Taylor, Eldon.

Subliminal communication: emperor's clothes or panacea?: with how to create your own subliminal program. Salt Lake City, Utah, Just Another Reality, 1986. 125 p.

Trauth, Eileen M.

An integrative approach to information policy research. Telecommunications policy, v. 10, Mar. 1986: 41-50.

"The decentralized nature of the evolution of information policy in the USA has resulted in a fragmented approach to both policy development and analysis. A significant problem for information policy research is therefore to provide an integrative outlook for policy analysis. . . . This article presents an example of this framework in a research agenda to examine privacy, software protection and transborder data flow."

Tremper, Charles R. Small, Mark A.

Privacy regulation of computer-assisted testing and instruction. Washington law review, v. 63, Oct. 1988: 841-879.

Article contends that "not only does computer-assisted testing and instruction (CATI) threaten to invade privacy insidiously, its use with young school children poses the additional threat of arresting development of their privacy expectations. In light of the significance of 'reasonable expectations of privacy' in constitutional and tort law, as well as privacy's role in resisting totalitarianism, widespread and routine use of CATI may profoundly alter the balance between public and private realms."

Tulacz, Gary. Mogel, Gary S.
Lie detector use in the workplace: Federal and State restrictions. Paramus, N.J., Prentice Hall Information Services, 1988. 32 p.

U.S. Congress. Conference Committees, 1988.
Employee Polygraph Protection Act of 1988; conference report to accompany H.R. 1212. Washington, G.P.O., 1988. 16 p. (Report, House, 100th Congress, 2nd session, no. 100-659)

U.S. Congress. House. Committee on Education and Labor.
Employee Polygraph Protection Act; report together with minority, dissenting, additional, supplemental dissenting, and additional dissenting views to accompany H.R. 1212 including cost estimate of the Congressional Budget Office. Washington, G.P.O., 1987. 23 p. (Report, House, 100th Congress, 1st session, no. 100-208)

U.S. Congress. House. Committee on Education and Labor. Subcommittee on Employment Opportunities.
Oversight hearing on OTA report: truth and honesty testing. Hearing, 101st Congress, 2nd session. Sept. 26, 1990. Washington, G.P.O., 1990. 112 p.
"Serial no. 101-118"

Polygraph testing in the private work force. Hearings, 100th Congress, 1st session. Washington, G.P.O., 1987. 294 p.
Hearings held Mar. 5 and Apr. 30, 1987.

Polygraphs in the workplace: the use of "lie detectors" in hiring and firing. Hearings, 99th Congress, 1st session. Washington, G.P.O., 1986. 362 p.
"H.R. 1524, Polygraph Protection Act of 1985; H.R. 1924, Polygraph Control and Privacy Protection Act of 1985."
"Hearings held in Washington, DC on July 30, and September 18, 1985."
"Serial no. 99-42"

U.S. Congress. House. Committee on Energy and Commerce. Subcommittee on Telecommunications and Finance.
Telemarketing/privacy issues. Hearing, 102nd Congress, 1st session on H.R. 1304 and H.R. 1305. Apr. 24, 1991. Washington, G.P.O., 1991. 190 p.
"Serial no. 102-9"

U.S. Congress. House. Committee on Government Operations. Government Information, Justice, and Agriculture Subcommittee.
Computer Matching and Privacy Protection Act of 1987. Hearing, 100th Congress, 1st session on S. 496. June 23, 1987. Washington, G.P.O., 1987. 143 p.

Computer matching and privacy protection amendments of 1990. Hearing, 101st Congress, 2nd session on H.R. 5450. Sept. 11, 1990. Washington, G.P.O., 1991. 88 p.

Data protection, computers, and changing information practices. Hearing, 101st Congress, 2nd session. May 16, 1990. Washington, G.P.O., 1991. 215 p.

U.S. Congress. House. Committee on Science and Technology. Subcommittee on Investigations and Oversight.
Information technologies in the health care system. Hearing, 99th Congress, 2nd session. Apr. 21, 1986. Washington, G.P.O., 1986. 241 p.
"No. 133"

U.S. Congress. House. Committee on Science, Space, and Technology. Subcommittee on Transportation, Aviation and Materials.

GAO survey, Federal Government computer security. Hearing, 100th Congress, 1st session. May 19, 1987. Washington, G.P.O., 1987. 31 p.
"No. 15"
Testimony by Thomas P. Giammo, associate director of GAO's Information Management and Technology Division, on the security and privacy of unclassified information in the computer systems of nine agencies.

U.S. Congress. House. Committee on the Judiciary.
Electronic Communications Privacy Act of 1986; report to accompany H.R. 4952 including cost estimate of the Congressional Budget Office. Washington, G.P.O., 1986. 111 p. (Report, House, 99th Congress, 2nd session, no. 99-647)

U.S. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Civil Liberties, and the Administration of Justice.
Electronic Communications Privacy Act. Hearings, 99th Congress, 1st and 2nd sessions on H.R. 3378. Washington, G.P.O., 1986. 553 p.
"Serial no. 50"
Hearings held Sept. 26, 1985-Mar. 5, 1986.

Telephone monitoring by employers. Hearing, 100th Congress, 1st session on H.R. 1950. July 15, 1987. Washington, G.P.O., 1989. 147 p.
"Serial no. 102"

U.S. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Intellectual Property, and the Administration of Justice.
State and local law enforcement wire-tapping of confidential conversations, including those between criminal defendants and their lawyers. Hearing, 101st Congress, 1st session. Dec. 18, 1989. Washington, G.P.O., 1991. 406 p.
"Serial no. 132"
Focuses in particular on allegations involving the Connecticut State police; other States discussed include Rhode Island, Oregon, West Virginia, Indiana, Utah, Wyoming, New Mexico, and Georgia.

Telephone Privacy Act of 1990. Hearing, 101st Congress, 2nd session on H.R. 4340. Sept. 19, 1990. Washington, G.P.O., 1991. 162 p.
"Serial no. 123"

U.S. Congress. Senate. Committee on Governmental Affairs. Subcommittee on Oversight of Government Management.
Computer Matching and Privacy Protection Act of 1986. Hearing, 99th Congress, 2nd session on S. 2756. Sept. 16, 1986. Washington G.P.O., 1986. 364 p.

The Computer Matching and Privacy Protection Act of 1987; report . . . to accompany S. 496. Washington, G.P.O., 1988. 34 p. (Report, Senate, 100th Congress, 2nd session, no. 100-516)

U.S. Congress. Senate. Committee on Labor and Human Resources.
Polygraph Protection Act of 1985. Hearing, 99th Congress, 2nd session on S. 1815. Apr. 23, 1986. Washington, G.P.O., 1986. 524 p. (Hearing, Senate, 99th Congress, 2nd session, S. Hrg. 99-713)
"To prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce."

Polygraph Protection Act of 1987; report together with minority views to accompany S. 1904. Washington, G.P.O., 1988. 61 p. (Report, Senate, 100th Congress, 2nd session, no. 100-284)
"To strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce."

Polygraphs in the workplace. Hearing, 100th Congress, 1st session on reviewing the use and abuse of polygraph testing in the workplace. June 19, 1987. Washington, G.P.O., 1987. 181 p. (Hearing, Senate, 100th Congress, 1st session, S. Hrg. 100-185)

U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on Patents, Copyrights and Trademarks.
Electronic communication privacy. Hearing, 99th Congress, 1st session on S. 1667. Nov. 13, 1985. Washington, G.P.O., 1987. 200 p. (Hearing, Senate, 99th Congress, 2nd session, S. Hrg. 99-1006)
"Serial no. J-99-72"

U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution.
DNA identification. Hearing, 101st Congress, 1st session on genetic testing as a means of criminal investigation. Mar. 15, 1989. Washington, G.P.O., 1990. 224 p. (Hearing, Senate, 101st Congress, 1st session, S. Hrg. 101-636)
"Serial no. J-101-4"

U.S. General Accounting Office.
Computer Matching Act: many States did not comply with 30-day notice or data-verification provisions; report to the ranking minority member, Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, U.S. Senate. Feb. 8, 1991. Washington, G.A.O., 1991. 29 p.
"GAO/HRD-91-39, B-242262"
This report evaluates the implementation of the Computer Matching and Privacy Protection Act (CMPPA) of 1988 in the 50 States and the District of Columbia.

Computer matching: factors influencing the agency decision-making process; briefing report to the Chairman, Subcommittee on Intergovernmental Relations and Human Resources, Committee on Government Operations, House of Representatives. Nov. 1986. Washington, G.A.O., 1986. 30 p.
"GAO/PEMD-87-3BR"
Reports on examination of the decision-making process used in 9 agencies when determining whether a computer matching project should be implemented.

Computer matching: need for guidelines on data collection and analysis; report to the Director, Office of Management and Budget. Apr. 17, 1990. Washington, G.A.O., 1990. 16 p.
"GAO/HRD-90-30, B-239055"
"This report discusses the need for the Office of Management and Budget (OMB) to (1) work with federal agencies to develop guidance on data collection and reporting for evaluating the cost effectiveness of the Income and Eligibility Vertification System (IEVS) and (2) coordinate that guidance with OMB's regulations for cost-benefit analysis under the Computer Matching and Privacy Protection Act of 1988 (P.L. 100-503)."

Computers and privacy: how the government obtains, verifies, uses, and protects personal data; briefing report to the chairman, Subcommittee on Telecommunications and Finance, Committee on Energy and Commerce, House of Representatives. Aug. 3, 1990. Washington, G.A.O., 1990. 68 p.
"GAO/IMTEC-90-70BR, B-239819"

Telecommunications privacy: GSA's planned FTS 2000 telephone record controls appear reasonable; report to the Chairman, Subcommittee on Office Systems, Committee on House Administration, House of Representatives. Dec. 23, 1988. Washington, G.A.O., 1988. 14 p.
"GAO/IMTEC-89-6, B-130441"
"Analysis of the General Services Administration's (GSA) plans to provide privacy for users of the proposed Federal Telecommunications System (FTS) 2000 and security of telephone records generated by the system."

Wiley, Richard E. Leibowitz, David E.
Electronic Privacy Act is progress--but it still is not a panacea. National law journal, v. 9, Jan. 12, 1987: 20-21.
Former FCC chairman and his law partner outline the provisions of the 1986 Electronic Communications Privacy Act, judging it to be overall "an impressive achievement" but not without gaps. "The scope of protection is broadened under the

act, but the statute also makes clear that some types of transmissions--such as the radio part of cordless telephone conversations--remain unprotected."

Wilson, Kevin G.
Technologies of control: the new interactive media for the home. Madison, University of Wisconsin Press, 1988. 180 p.

Woliver, Laura R.
The deflective power of reproductive technologies: the impact on women. Women & politics, v. 9, no. 3, 1989: 17-47.

"Advances in reproductive technologies are altering women's experience of maternity and childbirth. They increase medical intervention while decreasing women's options and control over maternity. Although presented as increasing individual choices for women, their potential is to restrict choices for women as a group."

Zonderman, Jon.
Beyond the crime lab: the new science of investigation. New York, John Wiley & Sons, 1990. 205 p.

Partial contents.--Inside the lab: chemistry + probability=crime.-- Fingerprints: proof positive.--DNA typing: a genetic fingerprint?-- Behavioral sciences: probing the criminal mind.--Electronic surveillance: is Big brother watching and listening?--Computers and communications.

RESOLVED: THAT ONE OR MORE UNITED STATES SUPREME COURT DECISIONS RECOGNIZING A FEDERAL CONSTITUTIONAL RIGHT TO PRIVACY SHOULD BE OVERRULED

A Guide to Information Sources on the 1991-1992 Intercollegiate Debate Topic

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A GUIDE TO INFORMATION SOURCES on the 1991-1992 Intercollegiate Debate Topic

INTRODUCTION

This research guide identifies sources of information on both the constitutional right to privacy and some of the numerous issues associated with discussions of privacy. It describes reference and research tools and suggests particular search strategies that might be used.

Selected search terms are identified in the text. They are suggestive of the principal terms under which the researcher may wish to search and are intended to help define a search strategy, not to limit it. An asterisk (*) precedes the introductory search term that a researcher can use to begin the search.

RESEARCH SOURCES

This is a list of key information resources of books and articles described in this guide, and the page where each is described.

Basic Cases in Constitutional Law ... 116
The Bill of Rights and American Legal History ... 116
Business Periodicals Index ... 118
CIS Index ... 124
Clearinghouse Directory ... 124
Computer Crime, Security, and Privacy: A Selected Bibliography ... 117
Computer Security ... 117
Confidentiality in the Use of Library Materials: A Bibliography ... 117
Confidentiality/Privacy Issues: A Bibliographic Update ... 118
Congressional Index ... 124
Congressional Quarterly Weekly Report ... 123
Congressional Record ... 123
The Constitution of the United States of America: Analysis and Interpretation ... 116
Constitutional Sources of the Penumbral Right to Privacy [article] ... 116
Current Law Index ... 118
Depository Libraries ... 122
Digest of Public General Bills and Resolutions ... 123
Dissertation Abstracts International ... 122
Encyclopedia of Associations ... 124
Encyclopedia of Governmental Advisory Organizations ... 124
Government Reports Announcements and Index ... 122
Index to Legal Periodicals ... 119
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Information Privacy and Statistics: A Topical Bibliography ... 117
Legal Resource Index ... 119
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Official Washington Post Index ... 120
Privacy ... 116
Privacy and Computers: A Bibliography ... 117
Privacy and Data Protection: An International Bibliography ... 117
Privacy and Freedom ... 116
Privacy and Security in Databank Systems: An Annotated Bibliography, 1970-1973 ... 117
Privacy, Confidentiality: A Selected Bibliography ... 118
Privacy in the Workplace: A Bibliographic Survey ... 117
Privacy, Law, and Public Policy ... 116
The Problem of Privacy in the Computer Age: An Annotated Bibliography ... 117
Public Affairs Information Service ... 119
Reader's Guide to Periodical Literature ... 120
Reappraising Brandeis: Comments on Recent Works [article] ... 117
Research Centers Directory ... 124
The Right of Privacy--Its Constitutional and Social Dimensions: A Comprehensive Bibliography ... 117
The Right to Know ... 117
The Right to Privacy [article] ... 116
Search and Seizure in School. ... 117
Security and Privacy of Criminal Justice Information: A Bibliography ... 117
A Selected Bibliography on Workplace Privacy ... 118
Social Science Citation Index ... 120
Social Sciences Index ... 120

Sociological Abstracts 120
United States Government Manual 124
VUTEXT 121
Wall Street Journal Index 121
Washington Information Directory 124
Weekly Compilation of Presidential Documents 122

BOOKS

Many libraries around the country, particularly large academic and research libraries, use Library of Congress classification numbers to organize their collections, and Library of Congress subject headings in their catalogs. To learn how books on a right to privacy are categorized in these libraries, consult the three-volume guide, *Library of Congress Subject Headings*. It is usually kept near the card catalog, or near the terminals for an automated catalog. Some relevant LC subject headings for research on the debate topic are listed below:

Archives--Access control
Computer crimes
Computers--Access control
Confidential communications
Data protection
Personnel records--Access control
*Privacy, Right of
Public records--Access control

For privacy issues associated with a particular topic, for example--right to die, abortion, or drug testing--it may be necessary to look under the specific topic for the relevant search terms. This may also be necessary for many of the following research sources identified.

REFERENCE BOOKS AND ARTICLES

The Bill of Rights and American legal history. Edited with introductions by Paul L. Murphy. New York, Garland Pub., 1990. 9 v. in 20.
"A 20-volume series reproducing over 300 key articles which explore the 200-year history of the rights of American citizens." Particularly see volume 7, The Right to privacy and the ninth amendment (2 v.)

Clark, R. H.
Constitutional sources of the penumbral right to privacy. Villanova law review, v. 19, June 1974: 833-884.

The Constitution of the United States of America: analysis and interpretation: annotations of cases decided by the Supreme Court of the United States to July 2, 1982. Prepared by the Congressional Research Service, Library of Congress. Rev. and annotated, 1982. Washington, G.P.O., 1987. 2308 p. (Document, Senate, 99th Congress, 1st session, no. 99-16)
This source is commonly referred to as the Constitution Annotated.
The 1990 supplement contains annotations of cases decided by the Supreme Court of the United States to June 27, 1990.

Lockard, Duane. Murphy, Walter F.
Basic cases in constitutional law. 2nd edition. Washington, CQ Press, 1987. 293 p.
Contents.--Courts and the Constitution.--Separate institutions sharing powers.--Federalism.--Governmental control of the economy.--The right to speak, write, and vote.--The right to privacy.--Equal protection.--Rights of the accused.

O'Brien, David M.
Privacy, law, and public policy. New York, Praeger, 1979. 262 p.

Privacy. Edited by J. Roland Pennock and John W. Chapman. New York, Atherton Press, 1971. 255 p. (Nomos, 13)

Warren, Samuel. Brandeis, Louis D.
The right to privacy. Harvard law review, v. 4, Dec. 15, 1890: 193-220.

Westin, Alan F.
Privacy and freedom. 1st ed. New York, Atheneum, 1967. 487 p.

BIBLIOGRAPHIES

Cook, Earleen H.
Search and seizure in school. Monticello, Ill., Vance Bibliographies, 1987. 12 p. (Public administration series--bibliography, 0193-970X, P 2246)

Dalenius, Tore.
Information privacy and statistics: a topical bibliography. Washington, U.S. Dept. of Commerce, Bureau of the Census, 1978. 1 v. in various pagings. (Working paper/U.S. Department of Commerce, Bureau of the Census, 41)

Deighton, Suzan.
Privacy and computers: a bibliography. London, The Library, Institution of Electrical Engineers, 1978. 97 p.

Harrison, Annette.
The problem of privacy in the computer age: an annotated bibliography. Santa Monica, Calif., Rand Corporation, 1967-69 [c1970] 2 v. (Rand Corporation. Memorandum RM-5495-PR/RC--RM-5495/1-PR/RC)

Hunt, M. Kathleen. Turn, Rein.
Privacy and security in databank systems: an annotated bibliography, 1970-1973. Santa Monica, Calif., Rand Corporation, 1974. 166 p. (Rand Corporation. Report R-1361-NSF)

Kirslov, Samuel.
Reappraising Brandeis: comments on recent works. Constitutional commentary, v. 4, summer 1987: 319-338.

"This survey is an attempt to strike the balance on the Brandeis tradition as reflected in recent writings on him and Frankfurter. Additionally, a few works (including an autobiographical effort) on Douglas's career are included because of his self-acknowledged discipleship and imitation of Brandeis, most conspicuously in the creation of the constitutional 'right of privacy.'"

Lin, Joseph C.
Computer crime, security, and privacy: a selected bibliography. Monticello, Ill., Vance Bibliographies, 1979. 22 p. (Public administration series: Bibliography, P-284)

MacCafferty, Maxine.
Computer security. London, Aslib, 1976. 91 p. (Aslib bibliography, no. 4 0308-7522)

The right to know. London, Aslib, 1976. 81 p. (Aslib bibliography, no. 1 0308-7522)

O'Brien, David M.
The right of privacy--its constitutional & social dimensions: a comprehensive bibliography. Austin, University of Texas, 1980. 55 p. (Tarlton Law Library legal bibliography series, #213)

Privacy and data protection: an international bibliography. Edited with an introduction by David H. Flaherty. White Plains, N.Y., Knowledge Industry Publications, 1984. 276 p. (Professional librarian series)

Security and privacy of criminal justice information: a bibliography. Sacramento, Calif., Search Group, 1979. 126 p.

Stewart, Alva W.
Privacy in the workplace: a bibliographic survey. Monticello, Ill., Vance Bibliographies, 1987. 9 p. (Public administration series--bibliography, 0193-970X, P-2086)

Watts, Tim J.
Confidentiality in the use of library materials: a bibliography. Monticello, Ill., Vance

Bibliographies, 1989. 26 p. (Public administration series--bibliography, 0193-970X, P 2575)

A selected bibliography on workplace privacy. Monticello, Ill., Vance Bibliographies, 1991. 30 p. (Public administration series--bibliography, 0193-970X, P-3023)

White, Anthony G.
Confidentiality/privacy issues: a bibliographic update. Monticello, Ill., Vance Bibliographies [1986] 12 p.

Privacy, confidentiality: a selected bibliography. Monticello, Ill., Vance Bibliographies, 1982- v. 1-12. (Public administration series--bibliography, 0193-970X, P-1093-<P1136)

JOURNAL ARTICLES

Citations to journal articles and other materials about privacy rights can be found in a number of printed indexes, online bibliographic databases, and CD-ROM products.

The materials covered by selected printed indexes are briefly described here, along with suggested search terms for articles indexed under privacy rights. However, it is important to remember that many privacy issues associated with particular topics could be indexed solely under the relevant topic, rather than under privacy or right of privacy. Printed indexes include lists of periodicals indexed and the abbreviations referring to these publications. Introductory sections of these reference tools are helpful in effectively using these varied indexes.

Online bibliographic databases are useful for locating quickly citations to journal articles and other materials through use of a computer. Online databases allow the researcher to combine search terms in ways that are impossible in a printed index or library catalog, and to search simultaneously material that would be contained in separate printed indexes covering several years. They also are updated more frequently than most printed tools. Many of the printed indexes described in this guide are also available as online databases. Brief descriptions of some major online services providing access to bibliographic databases are provided. A reference librarian can advise you on the availability of computerized search services in your area; there is often a fee for the use of these services.

Many libraries now have CD-ROM products of printed indexes available for researchers. This technology has some of the same advantages as online data bases in that researchers can locate materials by computer quickly and can search simultaneously material that would be in numerous separate printed indexes spanning several years. Additionally, many libraries do not charge fees for use of CD-ROM products. Check with a reference librarian to determine if these products are available in your area.

Business Periodicals Index

Business Periodicals Index is a subject index of over 300 business periodicals. It is published monthly except August, with a bound cumulation each year. It covers a wide range of business publications, such as *American Demographics*, *Economist*, and *Barrons*. This index is available on CD-ROM and is updated quarterly. Some search terms are listed below; also use the cross-references.

Computers and privacy
Electronic eavesdropping
*Right of privacy

Current Law Index

The American Association of Law Libraries sponsors this index of articles in legal periodicals. Separate subject and author indexes and tables of cases and of statutes are included in eight monthly issues, three quarterly cumulations, and a cumulative annual. Library of Congress subject headings are the search terms used primarily.

Index to Legal Periodicals

The index lists articles "of high quality and permanent reference value" in legal periodicals published in the United States, Canada, Great Britain, and other English-language countries. Tables of cases and statutes commented upon are appended. The articles are indexed under author and subject, statutes, and cases. A complete list of subjects is included at the front of each bound volume. The index is also available on CD-ROM and is updated quarterly. Some search terms are listed below; also use the cross-references.

Computer crimes
Electronic surveillance
Information systems
*Right of privacy

Legal Resource Index

Legal Resource Index is the companion microfilm service of the *Current Law Index*, above. It is available online commercially through the Lockhead DIALOG Information Service as file 150.

LegalTrac

LegalTrac is an index on CD-ROM to more than 800 legal periodicals starting from 1980; it is updated monthly. Search under "Privacy, Right of" and use the cross references.

Magazine Index

Magazine Index is a microfilm product that provides citations to materials in over 400 popular magazines, focusing on coverage of current affairs, leisure time activities, arts, sports, and science and technology. References from the last five years are listed alphabetically by subject and author in one display on the *Magazine Index* microfilm reader-terminal. The index is updated monthly, and uses Library of Congress subject headings.

Public Affairs Information Service (PAIS)

PAIS is a subject index to books, pamphlets, government publications, reports of public and private agencies, and periodical articles relating to political, economic and social conditions, public administration, and international affairs. It is issued monthly; there are also three quarterly cumulations and an annual bound volume with an author index. It is also available on CD-ROM and is updated quarterly. Some search terms are listed below; also use *PAIS* cross-references.

Bank secrecy
Confidential communications
*Privacy
Secrecy (Law)
United States--Constitution--Fourth amendment

Reader's Guide to Periodical Literature

The *Reader's Guide* is an author/subject index to over 180 periodicals of general interest published in the United States and Canada. It is published twice a month from September through December and in March, April, and June. It appears monthly in January, February, May, July, and August. Library of Congress subject headings are used to organize materials. The quarterly and annual cumulations can expedite your search of this index. It is also available on CD-ROM and is updated quarterly. Some search terms are listed below; also use the cross-references:

Confidential communications
*Right of privacy
Wiretapping

Social Sciences Index

Social Sciences Index is a quarterly author and subject index of periodicals in the fields of area studies, geography, economics, public administration, political science, social work and public welfare, sociology, and related subjects. It also lists book reviews. The index is cumulated annually. Some search terms are listed below; also use the cross-references.

Computers and privacy
Confidential communications
Electronic surveillance
*Right of privacy
Secrecy law
Wire tapping

Sociological Abstracts

Sociological Abstracts covers journal articles, other serial publications, and conference reports in sociology and related disciplines, including family and social welfare, demography, and public policy. It is available online as DIALOG file 37 and is updated five times yearly.

Social Science Citation Index

Social Science Citation Index, which covers hundreds of journals, is issued quarterly and annually. It differs from other indexes in that there are no standard subject headings; but you may search by topic by looking up key words from an article's title in its Permuterm Subject Index and referring to the Source Index for the full reference. The index is available online as DIALOG file 7 and is updated weekly. It is also available on CD-ROM.

NEWSPAPER ARTICLES

New York Times Index

The *New York Times Index* provides extensive abstracts for articles appearing in the *New York Times*. It is issued twice a month, with quarterly and annual cumulations. Consult "How to Use the New York Times Index" in the index volume itself for guidance.

Official Washington Post Index

The *Index* provides access to all substantial newsworthy items in this paper. It is issued monthly and cumulated annually. This index is more specific than many; check cross references.

Wall Street Journal Index

The *Wall Street Journal Index* is issued monthly and has annual cumulations. Check under the General News section, which indexes with very broad terms.

National Newspaper Index

National Newspaper Index indexes the *Christian Science Monitor, New York Times, Wall Street Journal, Los Angeles Times, and Washington Post*. References from the last five years are listed alphabetically by subject headings. An online version of this index is available commercially on DIALOG file 111 and is updated monthly.

Other Newspaper Indexes

Bell & Howell Co. produces a set of indexes which list articles appearing in the *Boston Globe, Christian Science Monitor, Denver Post, Detroit News, Houston Post, Los Angeles Times, New Orleans Times-Picayune, San Francisco Chronicle, St. Louis Post-Dispatch*, and *USA Today*. University Microfilms International produces monthly and annual indexes for the *Atlanta Journal, Atlanta Constitution, Chicago Tribune, Los Angeles Times*, and the *Minneapolis Star and Tribune*. In addition, many newspapers are indexed locally; ask a public librarian about indexes to your local newspaper.

NEXIS

NEXIS is an online search and retrieval service with numerous subfiles of information. The NEXIS database includes the full text of many newspapers, including *Legal Times, National Law Journal, New York Times, Washington Post*, and *Christian Science Monitor*; full text of major wire services, including AP, UPI, and Reuters; full-text of many newsletters and magazines; full text of some government publications; abstracts to many current affairs magazines and major U.S. newspapers; and other information. Ask a reference librarian if NEXIS is available in your area. There may be a fee for NEXIS searches.

VUTEXT

VUTEXT is an online system of regional newspapers that is word-, number-, and phrase-searchable, provided by Knight-Ridder, Inc. It provides access to more than 35 regional newspapers in a full-text format, with extensive coverage of regional business issues. Ask a reference librarian if VUTEXT is available in your area. There may be a fee for searches.

NEWSSEARCH

Newssearch is the daily, commercially available update of *Magazine Index*, *National Newspaper Index*, and *Legal Resource Index*. It provides front-page to back-page indexing of the *Christian Science Monitor, Wall Street Journal*, and *New York Times*, as well as popular magazines, law journals, and legal newspapers. There may be a fee for searches.

DISSERTATIONS

Dissertation Abstracts International (DAI) is a monthly list of doctoral dissertations submitted to University Microfilms International by more than 450 academic institutions in the United States and Canada. DAI is divided into two sections: Humanities (A) and Science (B). Keyword title and author indexes are provided each month for each section. The author index is cumulated annually. A retrospective *Comprehensive Dissertation Index* (CDI) is a subject index and is available, grouped by disciplines of knowledge (e.g., law and political science, history) for 1861-1972 in 32 volumes, and for 1973-1979 in 16 volumes. DAI is commercially available online as DIALOG file 35 and is updated monthly. It is also available on CD-ROM and is updated biannually.

GOVERNMENT PUBLICATIONS

Federal Depository Library Program

Under this program, Federal Government publications are made available to designated depository libraries. In order to provide the general public with greater access to Government publications, these libraries are located in each State and congressional district. There are currently over 1,350 depository libraries. Of this number 50 have been designated as regional depositories. The regional libraries assume the responsibility of retaining depository material permanently and of providing inter-library loan and reference service in their regions. Copies of documents no longer available for sale can usually be found in regional Federal depository library collections. Each issue of the *Monthly Catalog of United States Government Publications* (see below) prints a current directory of these regional libraries. A directory of all depository libraries is available from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Government Reports Announcements and Index

Government research reports are indexed in the *Government Reports Announcements and Index*, which is issued twice monthly by the National Technical Information Service (NTIS). A keyword index lists significant words from titles. The NTIS index is available online commercially as Dialog file 6 and is updated biweekly.

Monthly Catalog of United States Government Publications

The *Monthly Catalog* lists documents issued by all branches of the Federal Government. The catalog has monthly, semiannual, and annual indexes arranged by author, title, subject, key words, and series/report title. The *Monthly Catalog* is often the access point for materials in Government depository libraries; it may also be used to obtain information for ordering materials for purchase from the Superintendent of Documents at the U.S. Government Printing Office. The *Monthly Catalog* is commercially available online on DIALOG file 66 and is updated monthly. Library of Congress subject headings are the catalog's subject authority. Therefore, see search terms under *BOOKS* in this guide.

The catalog is arranged by agency, and each entry includes the Superintendent of Documents number. At the front of the catalog is a list of beginning (SuDocs) numbers of the agencies. This will be helpful in browsing or in locating materials in those libraries arranging their Federal documents by SuDocs number.

There is also a *Periodicals Supplement* to the monthly catalog which contains current serial titles for Government publications issued three or more times a year.

Weekly Compilation of Presidential Documents

The *Weekly Compilation of Presidential Documents* contains statements, messages, and other Presidential materials released by the White House during the preceding week. The *Weekly Compilation* has weekly, quarterly, and annual indexes. It is also available online through NEXIS.

Index to U.S. Government Periodicals

The *Index* covers individual periodical articles published by over 100 Federal agencies, using a thesaurus created exclusively for itself.

LEGISLATIVE INFORMATION

Congressional activities related to Federal policies and concerns may be monitored by searching the following printed publications:

Congressional Record

The *Congressional Record* provides an edited transcript of the activities on the floor of the House and the Senate. It is published each day Congress is in session. The Extensions of Remarks section may provide reprints of newspaper and journal articles as Members of Congress insertions, in addition to those statements spoken by Members on the floor of the House or Senate and recorded by chamber. Subject and name indexes are published biweekly and cumulated annually.

Congressional Quarterly Weekly Report

Congressional Quarterly Weekly Report provides current information on congressional activities, the progress of major bills, and background information on major policy issues. Important recent articles are indexed on the back cover of each issue. A quarterly and annual index are also issued.

Congressional Quarterly also publishes an annual volume which cumulates material from the weeklies. There is an index at the back of each volume.

National Journal

National Journal provides information on important executive, congressional, and judicial actions. In addition to the weekly and semi-annual indexes, there is a page entitled "Recent Weeks" toward the end of most issues. Check the index under the heading "Legal Affairs."

Major Legislation of the Congress

This Congressional Research Service publication, *Major Legislation of the Congress* summarizes major legislation arranged by subject. It includes background on the issues and information on the content and status of major bills affecting that issue. The *MLC* may be examined at a Government depository library or purchased from the Government Printing Office. Search under "Civil Rights and Liberties" and "Information and Privacy" from the contents page.

Digest of Public General Bills and Resolutions

The *Digest* summarizes the essential features of public bills and resolutions and changes made in them during the legislative process. The *Digest* is published by the Congressional Research Service during each session of Congress in two cumulative issues and a final issue at the end of the session. It compiles legislative histories on public laws. The *Digest* has sponsor/cosponsor, identical bills, short title, and subject indexes. Search under "Government Records, Documents, and Information--Right of Privacy."

CIS Index

The *CIS Index*, produced by the Congressional Information Service, abstracts all congressional publications except the *Congressional Record*. The *Index* is published monthly and cumulated quarterly and annually. Each issue of the *Index* is divided into index and abstract portions. CIS also publishes legislative histories annually. Search in the index section under the names of laws as well as such headings as "Right of Privacy and Electronic Surveillance." Refer to the abstract section for full bibliographic information. The index is commercially available online as DIALOG file 101 and is updated monthly.

Congressional Index

The *Congressional Index*, published by the Commerce Clearing House, is a weekly looseleaf service providing content and status information for bills and resolutions pending in Congress. The progress of bills and resolutions is reported from the introduction of the legislation to the final disposition.

AGENCIES AND ORGANIZATIONS

There are numerous public policy-oriented organizations with an interest in privacy issues. The list of books which follows is a selection of some of the many available guides to agencies and organizations.

Clearinghouse Directory, a 1991-92 guide to information clearinghouses and their resources, services, and publications. First edition. Detroit, Gale Research, 1991.

Encyclopedia of Associations. Detroit, MI, Gale Research Company. 4 v.
"The Encyclopedia of Associations consists of the following volumes: Volume 1, National Organizations of the United States, detailed descriptions of national trade, professional, and other organizations; Volume 2, Geographic and Executive Indexes, covering material in Volume 1; Volume 3, New Associations and Projects, periodic reports listing additional associations not included in Volume 1. Volume 4, International Organizations, detailed descriptions of international trade, professional, and other organizations; and, International Organizations Supplement, periodic reports listing additional associations not listed in Volume 4.

Encyclopedia of Governmental Advisory Organizations. Detroit, MI, Gale Research Co. Use the name and keyword index in Volume 1, Part 3.
"A reference guide to approximately 5,000 permanent, continuing, and ad hoc U.S. presidential advisory committees, congressional advisory committees, and other agencies."

Research Centers Directory. Edited by Robert C. Thomas and James A. Rullner. Detroit, MI, Gale Research Co.
A guide to university-related and other nonprofit research organizations established on a permanent basis and carrying on continuing research programs in agriculture, business, conservation, education, engineering and technology, government, law, life sciences, mathematics, area studies, physical and earth sciences, social sciences, and humanities.

United States Government Manual. Prepared by the U.S. Office of the Federal Register. Washington, G.P.O.

Washington Information Directory. Washington, Congressional Quarterly.
This directory, which is updated yearly, lists both governmental and non-governmental organizations with headquarters or branch offices in Washington, D.C.

Subject Bibliography

U.S. Government Printing Office Superintendent of Documents

SB-176

PUBLICATIONS RELATING TO THE 1991-92 COLLEGE DEBATE TOPIC

Resolved: That One or More United States Supreme Court Decisions Recognizing a Federal Constitutional Right to Privacy Should Be Overruled.

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___Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records. *Explains how to request government information under the Freedom of Information Act (FOIA) and the Privacy Act. Includes sample request and appeal letters. Also provides the texts of the two Acts from Title 5 of the United States Code.* 1991: 74 p.
S/N 052-071-00929-9 $ 2.25

___Civil Rights Act of 1964, Public Law 88-352. An Act to Enforce the Constitutional Right to Vote, to Confer Jurisdiction Upon the District Courts of the United States to Provide Injunctive Relief Against Discrimination in Public Accommodations, to Authorize the Attorney General to Institute Suits to Protect Constitutional Rights in Public Facilities and Public Education, to Extend the Commission on Civil Rights, to Prevent Discrimination in Federally Assisted Programs, to Establish a Commission on Equal Employment Opportunity and for Other Purposes. 1964: 32 p.
GS 4.110:88/352 S/N 022-003-90258-9 3.50

___Constitution and National Security: A Bicentennial View. *Examines the numerous constitutional issues and concerns that affect national security. Papers presented discuss the following: Dividing Constitutional Powers; The Evolution of the Presidency; and the Constitution and Foreign Policy.* 1990: 412 p.
D 5.402:Se 2/6 S/N 008-020-01186-0 12.00

___Constitution of the United States of America, Analysis and Interpretation: Annotations of Cases Decided by the Supreme Court of the United States to July 2, 1982. 1987: 2346 p. Clothbound.
S/N 052-071-00674-5 70.00

___ 1990 Supplement to the above, Annotations of Cases Decided by the Supreme Court of the United States to June 27, 1990. 1991: 300 p.
S/N 052-071-00925-6 13.00

___Constitution of the United States of America, as Amended, Unratified Amendments, Analytical Index. 1987: 96 p.
Y 1.1/7:100-94 S/N 052-071-00758-0 2.75

___FOIA (Freedom of Information Act) Update. (Quarterly.) *Contains updated news articles pertaining to the Freedom of Information Act.* Subscription price: Domestic - $5.00 a year; Foreign - $6.25 a year. Single copy price: Domestic - $1.50 a copy; Foreign - $1.88 a copy. [FOIA] (File Code 2R)
J 1.58: S/N 727-002-00000-6

___Freedom of Information Case List, September 1990 Edition. *Compiles judicial decisions, both published and unpublished, addressing access issues under the Freedom of Information Act and the Privacy Act of 1974. Also contains the full text of the Federal access statutes, an updated list of related law review articles, and an updated "Justice Department Guide to the Freedom of Information Act".* 1990: 637 p.
S/N 027-000-01336-8 $20.00

___Original Meaning Jurisprudence: A Sourcebook, March 12, 1987. *Presents the argument about whether the Constitution should be applied in terms of original meaning or subjective intent. Proponents of the latter argue that changing times require the Constitution to apply to situations unheard of by the men who wrote it. This is a rebuttal of their point of view. Includes addresses by Antonin Scalia, Robert Bork, and others. Also contains the text of the Constitution.* 1988: 185 p.
J 1.96:J 97 S/N 027-000-01310-4 5.00

___President, Prime Minister, or Constitutional Monarch? *Covers issues of constitutional theory and comments on four recent controversies involving: the Iran-Contra Affair; the Intelligence Surveillance legislation passed after the Watergate scandal, and the revisions considered by the 100th Congress; the proposals to amend the War Powers Resolution of 1973; and the violent political conflict about the interpretation of the ABM Treaty of 1972, which is reflected in turn in the history of ratification of the INF Treaty.* 1990: 48 p.
D 5.416:3 S/N 008-020-01224-6 1.75

___Privacy Act of 1974, Public Law 93-579. An Act to Amend Title 5, United States Code, by Adding a Section 552a to Safeguard Individual Privacy From the Misuse of Federal Records, to Provide That Individuals Be Granted Access to Records Concerning Them Which Are Maintained by Federal Agencies, to Establish a Privacy Protection Study Commission, and for Other Purposes. Approved December 31, 1974. 1974: 15 p.; 1977-repr.
GS 4.110:93/579 S/N 022-003-90866-8 2.50

___Webster, Attorney General of Missouri, et al. Versus Reproductive Health Services et al., Slip Opinion 88-605. *Appeal from the United States Court of Appeals for the Eighth Circuit. Argued April 26, 1989. Decided July 13, 1989.* 1989: 90 p.
S/N 828-001-00748-0 2.50

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How to Remit	Regulations require payment in advance of shipment. Checks or money orders should be made payable to the Superintendent of Documents. Orders may also be charged to your Superintendent of Documents prepaid deposit account with this Office, MasterCard or Visa. If credit card is used, please be sure to include its date of expiration. Postage stamps are not acceptable.
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